

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -
FRANKLIN BUONO,

Plaintiff,

-against-

Case No.
1:17-cv-05915

POSEIDON AIR SYSTEMS, VICTORY AUTO
STORES, INC., VICTORY AUTO STORES, INC.,
d/b/a POSEIDON AIR SYSTEMS, WORTHINGTON
INDUSTRIES, INC., ANSUL INC. and TYCO
FIRE PROTECTION PRODUCTS,

Defendants.

- - - - -
1279 Route 300
Newburgh, New York

April 30, 2018
10:24 a.m.

DEPOSITION of FRANKLIN BUONO, the
PLAINTIFF in the above-entitled action,
held at the above time and place, taken
before Karen Morales, a Shorthand
Reporter and Notary Public of the State
of New York, pursuant to the Federal
Rules of Civil Procedure.

* * *

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2 APPEARANCES:

3

4 FINKELSTEIN & PARTNERS LLP
5 Attorneys for Plaintiff
6 1279 Route 300
7 P.O. Box 1111
8 Newburgh, New York 12551

9 BY: GEORGE M. LEVY, ESQ.

10

11 BOWLES & Verna LLP
12 Attorneys for Defendant
13 Worthington Industries, Inc.
14 California Plaza
15 2121 N. California Boulevard
16 Suite 875
17 Walnut Creek, California 94596

18 BY: SHELLEY A. MOLINEAUX, ESQ.

19

20 SHOOK HARDY & BACON, LLP
21 Attorneys for Defendants
22 Ansul Inc. and
23 Tyco Fire Protection Products
24 2555 Grand Boulevard
25 Kansas City, Missouri 64108

26 BY: SANDRA R. STIGALL, ESQ.

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2 STIPULATIONS

3 IT IS HEREBY STIPULATED AND AGREED,
4 by and among counsel for the respective
5 parties hereto, that the filing, sealing
6 and certification of the within
7 deposition shall be and the same are
8 hereby waived;

9 IT IS FURTHER STIPULATED AND AGREED
10 that all objections, except as to form of
11 the question, shall be reserved to the
12 time of the trial;

13 IT IS FURTHER STIPULATED AND AGREED
14 that the within deposition may be signed
15 before any Notary Public with the same
16 force and effect as if signed and sworn
17 to before the Court.

18 * * *

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2 * * *

3 THE VIDEOGRAPHER: Good
4 morning. We are going on the record at
5 10:25 a.m. on April 30, 2018. Please
6 note that the microphones are sensitive
7 and may pick up whispering, private
8 conversations and cellular interference.
9 Please turn off all cell phones or place
10 them away from the microphones as they
11 can interfere with the deposition audio.

12 Audio and video recording will
13 continue to take place unless all parties
14 agree to go off the record.

15 This is Media Unit 1 of the
16 video-recorded deposition of Franklin
17 Buono taken by counsel for the defendants
18 in the matter of Franklin Buono versus
19 Poseidon Air Systems, et al, filed in the
20 United States District Court for the
21 Southern District of New York, Case
22 Number 1:17-cv-05915. This deposition is
23 being held at Finkelstein and Partners,
24 LLP, located at 1279 Route 300, Newburgh,
25 New York.

1

2 My name is David Rothstein and
3 I am the videographer from the firm
4 Veritext Midwest. The court reporter is
5 Karen Morales from the firm of Veritext
6 Midwest.

7 I am not related to any party
8 in this action nor am I financially
9 interested in the outcome. Counsel and
10 all present in the room will now state
11 their appearances and affiliations for
12 the record. If there are any objections
13 to the proceeding, please state them at
14 the time of your appearance beginning
15 with the noticing attorney, the first
16 noticing attorney.

17 MS. STIGALL: Sandra Stigall
18 appearing for Tyco Fire Products named in
19 the present suit as Ansul Incorporated
20 and Tyco Fire Protection Products.

21 MS. MOLINAEUX: Shelley
22 Molineaux for Worthington.

23 THE VIDEOGRAPHER: Would the
24 court reporter please swear in the
25 witness.

1

2 MR. LEVY: How about -- George
3 M. Levy, Finkelstein and Partners on
4 behalf of Frank Buono.

5 THE VIDEOGRAPHER: Will the
6 court reporter please swear in the
7 witness.

8 * * *

9 F R A N K L I N B U O N O,
10 the Witness herein, having first been
11 duly sworn by the Notary Public, was
12 examined and testified as follows:

13 EXAMINATION BY

14 MS. STIGALL:

15 Q. Could you state your name,
16 please.

17 A. My name is Frank Buono.

18 Q. Buono?

19 A. Buono.

20 Q. Buono.

21 Could you spell your complete
22 name, first, middle and last?

23 A. F-R-A-N-K-L-I-N, John, J-O-H-N,
24 B-U-O-N-O.

25 Q. What name do you normally go

1 FRANKLIN BUONO

2 by, Frank or Franklin?

3 A. Frank.

4 Q. Mr. Buono, have you ever had
5 your deposition taken before?

6 A. No.

7 Q. Have you ever testified in a
8 court of law?

9 A. No.

10 Q. You understand what it means to
11 commit perjury?

12 A. Correct.

13 Q. You understand that your
14 testimony here today is given under oath
15 and under penalty of perjury?

16 A. Correct.

17 Q. I mentioned at the beginning
18 that my name is Sandy Stigall and
19 represent Tyco Fire Products.

20 Can I ask you here at the
21 beginning of the deposition that if you
22 don't understand a question that I ask,
23 could you, please, tell me so I can
24 rephrase my question?

25 A. Okay.

1 FRANKLIN BUONO

2 Q. Also, we have the court
3 reporter here today and, of course, we
4 have the videographer, as far as the
5 court reporter goes, she always needs a
6 verbal answer to a question, for example,
7 so that we can get a written record here,
8 you wouldn't shake your head or nod your
9 head, we need a yes or no, do you
10 understand?

11 A. Yes.

12 Q. It's also important, and this
13 is something I try and remember myself,
14 for you and I not to speak over each
15 other. In a lot of conversation I may be
16 asking you a question and you already
17 know what the end of the question is
18 going to be so you might go ahead and
19 start your answer; is that right?

20 A. Yes.

21 Q. So if we could, if you wait to
22 the end of my question before you answer,
23 could you do that?

24 A. Yes.

25 Q. And I'll likewise try and not

1 FRANKLIN BUONO

2 jump in because my husband tells me I
3 have a tendency to do that.

4 A. Okay.

5 Q. Also, we'll be here for just a
6 while today, but if at any time you need
7 a break, please feel free to ask for one.

8 A. Okay.

9 Q. The only time we really can't
10 take a break, if I have a pending
11 question, I would just ask that you
12 answer the question then we'll go ahead
13 and take the break.

14 A. Okay.

15 Q. And don't hesitate on that at
16 all.

17 As a starting point, are you on
18 any medication, drug, alcohol or anything
19 at all that would affect your memory or
20 your ability to answer here today?

21 A. I'm on an antidepressant. But
22 I don't think that would affect my
23 ability. But just to have that noted
24 down.

25 Q. What is the antidepressant that

1 FRANKLIN BUONO

2 you're on?

3 A. I believe it's Cymbalta.

4 Q. Do you know what the dosage is?

5 A. I believe ten milligrams.

6 Q. When did you take the Cymbalta?

7 A. Last night.

8 Q. Are you on any other

9 medication?

10 A. Yes. Stomach medication for my
11 IBS. It's an antiacidic. I cannot
12 remember the name of it.

13 Q. Am I correct from looking at
14 your medical records that you were on
15 medication for your stomach prior to this
16 incident?

17 A. Correct.

18 Q. And has that situation just
19 continued?

20 A. Yes.

21 Q. Have you taken any other
22 medications in the last 24 hours?

23 A. No.

24 Q. Have you smoked pot in the last
25 24 hours?

1 FRANKLIN BUONO

2 A. No.

3 Q. Have you taken any other type
4 of drug in the last 24 hours?

5 A. No.

6 Q. Do you understand that you're
7 here today to give sworn testimony in the
8 civil case that you filed regarding an
9 incident related to a ruptured pressure
10 cylinder?

11 A. Yes.

12 Q. Let's talk a little bit about
13 your preparation for the deposition, what
14 did you do to prepare for today's
15 deposition?

16 A. I reviewed my statement to
17 OSHA.

18 MS. STIGALL: I'm going to have
19 this marked as -- how are we doing this?
20 Are we starting at 1 for each deposition?

21 MS. MOLINEAUX: I'd thought
22 we'd continue.

23 MS. STIGALL: Can we go off the
24 record.

25 MR. LEVY: Yeah, let's go off

1 FRANKLIN BUONO

2 the record.

3 THE VIDEOGRAPHER: The time is

4 10:34 and we are going off the record.

5 [Discussion held off the
6 record.]

7 THE VIDEOGRAPHER: The time is

8 10:38, we are back on the record.

9 (The document was hereby marked
10 as Defendant's Exhibit 1 for
11 identification, as of this date.)

12 Q. Mr. Buono, I'm handing you
13 what's been marked Defendant's Exhibit 1,
14 can you please tell me, is that the
15 statement that you said you reviewed
16 prior to your deposition here today?

17 A. Yes.

18 Q. Thank you.

19 What else did you review?

20 A. That was it.

21 Q. So you didn't look at any other
22 pieces of paper?

23 A. Oh, no.

24 Q. Did you meet with anyone in
25 preparation for your deposition?

1 FRANKLIN BUONO

2 A. My lawyer.

3 Q. Did you speak with anyone else
4 about the fact that you were having your
5 deposition here today?

6 A. My girlfriend and her mom.

7 Q. What's your girlfriend's name?

8 A. Emily.

9 Q. Could you provide her middle
10 and last name?

11 A. Emily Lynn Fonseca.

12 Q. And a spelling, please.

13 A. F-O-N-S-C-E-C-A.

14 Q. F-O-N-S-C-E-C-A, F-O-N-S --

15 A. E-C-A. I'm sorry.

16 Q. E-C-A.

17 What did you speak with your
18 girlfriend, Emily, about?

19 A. How we were going to be having
20 this today, I didn't know what to expect.

21 Q. Did you speak with her about
22 any of the specifics about what your
23 testimony would be?

24 A. No.

25 Q. And, I believe, you said you

1 FRANKLIN BUONO

2 also spoke with your mother?

3 A. Her mother.

4 Q. Her mother?

5 A. The same conversation.

6 Q. Can you provide me with her

7 mother's name?

8 A. Alicia Tollen, T-O-L-L-E-N.

9 Q. Do Emily and Alicia live at the
10 same place?

11 A. Yes.

12 Q. What's that address?

13 A. 131 Hill Road, Goshen, New York
14 10924.

15 Q. Do you live there also?

16 A. Yes.

17 Q. How long have you lived at that
18 location?

19 A. Three years now.

20 Q. Did you live at that location
21 prior to the incident that this lawsuit's
22 about?

23 A. Yes.

24 Q. Do you remember how long prior
25 to the incident you lived there?

1 FRANKLIN BUONO

2 A. Between six months and a year.

3 Q. In the course your treatment
4 and in relation to the incident, have you
5 ever generated any documents, like, that
6 include notes on your thoughts on what
7 happened?

8 A. No.

9 Q. Do you have any notes related
10 to the incident?

11 A. We have pictures.

12 Q. Who took the pictures you're
13 talking about?

14 A. I believe my girlfriend, Emily.

15 Q. What are the pictures of?

16 A. Different -- I guess, different
17 weeks of my leg, different surgeries I've
18 had, the daily cleanings, when it first
19 happened, pictures of blisters from
20 wearing my prosthetic.

21 Q. Have you provided all of those
22 photographs to your attorney?

23 A. I'm not sure.

24 MS. STIGALL: I guess we would
25 make the request that all those

1 FRANKLIN BUONO

2 photographs be provided to our office. I
3 think we got some but I just don't know
4 if we have everything.

5 MR. LEVY: My understanding is,
6 you have everything. However, put
7 another request in writing, we'll take it
8 under advisement.

9 MS. STIGALL: Thank you.

10 Q. Other than your attorney, do
11 you know anyone who made any notes about
12 this case?

13 A. I don't.

14 Q. For example, has your
15 girlfriend kept any kind of log or notes?

16 A. No.

17 Q. When you spoke about having
18 photographs, you talked of photographs of
19 your injuries, do you have any
20 photographs in your possession that you
21 or your girlfriend, anybody you know took
22 of the accident scene?

23 A. No.

24 Q. Or any photographs of the
25 cylinder at issue?

1 FRANKLIN BUONO

2 A. That my girlfriend took?

3 Q. That anyone other than OSHA
4 took.

5 A. No.

6 Q. Have you ever been involved in
7 any other lawsuits?

8 A. No.

9 Q. It's my understanding that you
10 have a workers' compensation case
11 regarding this incident; is that correct?

12 A. Correct.

13 Q. Are you currently receiving
14 workers' compensation benefits?

15 A. Yes.

16 Q. Has your case resolved in any
17 type of final settlement?

18 A. No.

19 Q. Who is your attorney for the
20 workers' comp claim?

21 A. I do not remember her name. I
22 do not remember her name. I'm sorry.

23 Q. Is she with Finkelstein?

24 A. Yes. It's the other branch.
25 Fine, Olin and Anderman.

1 FRANKLIN BUONO

2 (Reporter asks for
3 clarification.)

4 MR. LEVY: Fine, Olin and
5 Anderman.

6 THE WITNESS: Sorry.

7 MR. LEVY: It's not
8 Finkelstein.

9 THE WITNESS: Sorry.

10 Q. Have you ever been involved in
11 any kind of legal proceedings?

12 A. No.

13 Q. Could you give me your date of
14 birth?

15 A. July 14, 1992.

16 Q. Where were you born?

17 A. Goshen.

18 Q. What's your social security
19 number?

20 A. 110-80-8151.

21 Q. Do you have a driver's license?

22 A. Yes.

23 Q. Do you have it on you?

24 A. Yes.

25 Q. Could you provide me with your

1 FRANKLIN BUONO

2 driver's license number? Is it New York
3 State?

4 A. Yes.

5 Q. 403 258 207.

6 MS. STIGALL: Mark these as
7 Exhibit 2.

8 MR. LEVY: Do you have a copy
9 for me by any chance?

10 MS. STIGALL: You know what, I
11 don't.

12 MR. LEVY: Let's go off the
13 record.

14 THE VIDEOGRAPHER: The time is
15 10:47 and we are going off the record.

16 [Discussion held off the
17 record.]

18 (The documents were hereby
19 marked as Defendant's Exhibits 2 and 3
20 for identification, as of this date.)

21 (The photographs were hereby
22 marked as Defendant's Exhibits 4 through
23 9 for identification, as of this date.)

24 THE VIDEOGRAPHER: The time
25 11:00 a.m. and we are back on the record.

1 FRANKLIN BUONO

2 Q. Mr. Buono, I'll hand you what's
3 been marked Defendant's Exhibit 2, and
4 they are Plaintiff's Rule 26(a)(1)
5 Disclosures, have you seen that document
6 before?

7 A. No.

8 Q. You can hand that back to me.

9 I'm just going to go over a few
10 of the responses then. The first
11 disclosure says: The following witness
12 may be used to support the claims of the
13 plaintiff herein.

14 Numbers 1 through 25 I'll
15 represent to you are various doctors.

16 A. Okay.

17 Q. Then Numbers 26 through 31 are
18 various officers and fire department
19 individuals. What I'd like to ask you
20 about is after that there are a few
21 additional persons listed as witnesses
22 who may be used to support your claims.

23 A. Okay.

24 Q. One of those witness I believe
25 you mentioned earlier is Emily Fonseca?

1 FRANKLIN BUONO

2 A. Yes.

3 Q. What does she know about your
4 claims in this case?

5 MR. LEVY: Just note my
6 objection to what's in someone else's
7 mind.

8 A. Can you -- sorry.

9 Q. What would you expect that she
10 would know about your claims in the
11 present action?

12 A. I don't think anything.

13 Q. Does she know anything about
14 the incident that happened?

15 A. Yeah.

16 Q. As far as anything she knows
17 about the incident that happened, would
18 that be from talking to you?

19 A. Yes. And the OSHA report.

20 Q. So she's seen the OSHA report?

21 A. Yes.

22 Q. Did she ever talk to
23 Christopher Foust?

24 A. No.

25 Q. Did she ever talk to any of the

1 FRANKLIN BUONO

2 officers or anyone else that was at the
3 scene?

4 A. I don't know.

5 Q. Do you know if she's ever had
6 any discussions with anyone at Oprandy's?

7 A. I don't know.

8 Q. The next person listed is Ryan
9 Siebold, who is Ryan Siebold?

10 A. He's a friend of mine.

11 Q. What would he know about the
12 present action?

13 A. Nothing. He knows from what I
14 told him about the accident.

15 Q. Does he have information about
16 your injuries?

17 A. Yes. He knew what happened to
18 my legs.

19 Q. Has Ryan Siebold ever spoken
20 with anyone other than you about what
21 happened that day?

22 A. I don't believe so. Anyone as
23 in?

24 Q. Christopher Foust, anybody at
25 Oprandy's?

1 FRANKLIN BUONO

2 A. No.

3 Q. Where does Ryan Siebold work?

4 A. The hospital, Orange Regional.

5 Q. What does he do there?

6 A. Nursing assistant.

7 Q. Did you know him before you
8 went to the hospital?

9 A. Yes.

10 Q. So he's a social friend of
11 yours?

12 A. Yes.

13 Q. How long have you known Ryan
14 Siebold?

15 A. About ten years.

16 Q. Did you meet him in school?

17 A. Yes.

18 Q. How about Emily Fonseca, how
19 long have you known Emily?

20 A. Fifteen years.

21 Q. How long has she been your
22 girlfriend?

23 A. Three.

24 Q. You also list Richard Buono as
25 having knowledge of your physical

1 FRANKLIN BUONO

2 condition, Richard Buono, has he spoken
3 to anyone other than you regarding what
4 happened that day?

5 A. I don't know.

6 Q. Christopher Foust is listed
7 next as Number 35, how long have you known
8 Christopher Foust?

9 A. Since I started working at
10 Oprandy's. So about a month.

11 Q. Is it your testimony here today
12 that you did not know Christopher Foust
13 prior to the time that you started
14 working at Oprandy's?

15 A. Correct.

16 Q. Did you speak with Christopher
17 Foust after the incident?

18 A. Yes. Just to see how he was
19 doing.

20 Q. Did you ever speak with
21 Christopher Foust about what caused the
22 incident?

23 A. I don't know.

24 Q. You don't know if you spoke
25 with him?

1 FRANKLIN BUONO

2 A. About the incident, no. I only
3 -- I contacted him the first couple days
4 of the incident and I was pretty drugged
5 at that time.

6 Q. In your discussions with
7 Christopher Foust, did he ever tell you
8 what he thought caused the incident?

9 A. I don't know.

10 Q. You don't know if he told you
11 that?

12 A. No.

13 Q. But is it my understanding that
14 you cannot tell me anything in terms of
15 what Christopher Foust thought about what
16 caused the incident?

17 A. I don't know. It was at least
18 two years ago and I was heavily drugged.

19 Three.

20 Q. I understand you're saying you
21 were heavily drugged but I'm just trying
22 to clarify that at some point you're not
23 going to come in and say Christopher
24 Foust said this is what happened; you
25 can't do that, right?

1 FRANKLIN BUONO

2 A. No.

3 Q. You've also listed unidentified
4 employees of defendants and you've also
5 listed representatives of the plaintiff's
6 employer Oprandy's, other than what I
7 just mentioned, there were your doctors,
8 there were the officers, the fire
9 department, Emily, Ryan, Richard Buono,
10 Christopher Foust, unidentified employees
11 of the defendants and employees of
12 Oprandy's, can you think of anyone else
13 that would be used to support your claims
14 in this case?

15 A. No.

16 Q. Can you think of anyone else
17 other than those individuals that you
18 listed that has knowledge concerning what
19 happened that day?

20 A. No.

21 Q. When you list the
22 representatives of the plaintiff's
23 employer Oprandy's, can you tell me who
24 worked for Oprandy's at the time of the
25 incident other than you?

1 FRANKLIN BUONO

2 A. Do you have a list of names?

3 Q. I don't.

4 A. I don't remember the names.

5 Brian, the owner, his son, two other
6 gentlemen, I do not remember their names,
7 Chris and I. And a woman that worked at
8 the front desk, I don't remember her
9 name.

10 Q. Would that be Patty?

11 A. Brian's wife, yes. But there's
12 another woman, younger.

13 Q. Maybe Arlene?

14 A. I think so.

15 Q. I understand it's difficult to
16 remember names, but your recollection is
17 Brian Scott?

18 A. Uh-huh.

19 Q. And he had a son?

20 A. It was his stepson.

21 Q. Stepson.

22 And two other gentlemen?

23 A. Yes.

24 Q. What did Brian Scott do at
25 Oprandy's?

1 FRANKLIN BUONO

2 A. He delivered the fire
3 extinguishers. He basically did
4 everything besides fill the fire
5 extinguishers.

6 Q. What did the other two
7 gentlemen that you mentioned do?

8 A. Delivered the fire
9 extinguishers.

10 Q. Did those other two gentlemen
11 mainly work out in the field?

12 A. Yes.

13 Q. And you mentioned Chris and
14 yourself?

15 A. Yeah.

16 Q. Were you and Chris the only
17 individuals at Oprandy's at the time of
18 your incident that worked solely in the
19 shop?

20 A. Yes.

21 Q. And you mentioned there was a
22 woman that worked at the front desk?

23 A. Correct.

24 Q. Do you think her name might be
25 Arlene?

1 FRANKLIN BUONO

2 A. Yes.

3 Q. Do you know her last name?

4 A. I do not.

5 Q. What did she do?

6 A. She received phone calls.

7 Q. How did you come to start
8 working at Oprandy's?

9 A. My uncle knew Brian and knew
10 that Brian was looking for help.

11 Q. What's your uncle's name?

12 A. Allen Faust.

13 Q. Where does he work?

14 A. He's a sergeant at Goshen Town
15 Police Department.

16 MR. LEVY: I'm sorry. What was
17 his first name?

18 THE WITNESS: Allen.

19 MS. MOLINEAUX: And his last
20 name?

21 THE WITNESS: Faust.

22 MS. MOLINEAUX: How do you
23 spell that?

24 THE WITNESS: F-A-U-S-T, or
25 it's F-O-U-S-T. I can't remember which

1 FRANKLIN BUONO

2 one it is. It's F-A or F-O.

3 Q. Does he also live in Goshen?

4 A. No. He actually recently just
5 moved and I don't remember where it is.

6 But it's close.

7 Q. Do you remember what town?

8 A. No.

9 Q. I notice -- is your mother
10 living?

11 A. Yes.

12 Q. And notice your mother's name
13 is not listed on the list, does she have
14 any information about your injuries or
15 claims?

16 A. She has information about the
17 injuries. You could add her.

18 Q. What's your mother's name?

19 A. Alana Buono.

20 Q. Where does she live?

21 A. Goshen.

22 Q. Anyone else we would add?

23 A. No.

24 Q. Any brothers or sisters?

25 A. Yes. One sister.

1 FRANKLIN BUONO

2 Q. What's her name?

3 A. Jacquelyn Buono,

4 J-A-C-Q-U-E-L-Y-N.

5 Q. How I spell my daughter's name.

6 Where does he live?

7 A. I believe Hoboken.

8 Q. Do you have contact with her?

9 A. No.

10 Q. So if you have no contact with
11 her, would I be correct in saying that
12 she really wouldn't have information
13 about your injuries?

14 A. No.

15 Q. Who would you say is the person
16 closest to you?

17 A. Emily.

18 Q. After the incident did you have
19 any contact with Brian Scott?

20 A. No.

21 Q. After the incident did you have
22 any contact with Patty Scott?

23 A. No.

24 Q. After the incident did you have
25 any contact with anyone at Oprandy's?

1 FRANKLIN BUONO

2 A. No.

3 Q. I guess, other than, you said
4 you spoke with Christopher a few times?

5 A. Correct.

6 Q. During the time -- after you
7 met Christopher Foust, did you at any
8 time --

9 THE VIDEOGRAPHER: I'm sorry,
10 Counsel. Can you repeat your question?

11 Q. After you met Christopher
12 Foust, did you at any time socialize with
13 him?

14 A. What do you mean by socialize?

15 Q. Spend time with him outside of
16 work?

17 A. No.

18 Q. It's my understanding that
19 Chris is deceased; is that correct?

20 A. Correct.

21 Q. Do you know when he died?

22 A. I'm not exactly sure, no.

23 Q. Do you know what caused his
24 death?

25 A. No.

1 FRANKLIN BUONO

2 Q. To your knowledge did Chris use
3 illegal drugs?

4 A. I do not know.

5 Q. Prior to the incident did you
6 use illegal drugs?

7 A. Prior to the incident --

8 MR. LEVY: Just note my
9 objection. Is there a time frame?

10 Q. Within the six months prior to
11 the incident, did you use illegal drugs?

12 A. I smoked marijuana.

13 Q. How often did you smoke
14 marijuana?

15 A. Not that often. Once every
16 couple of weeks.

17 Q. So it's your testimony sitting
18 here today that prior to the incident
19 your use of marijuana was limited to once
20 every couple of weeks?

21 A. Once a week.

22 Q. So it's your testimony here
23 today that prior to the incident you
24 would use marijuana once a week?

25 A. Yes.

1 FRANKLIN BUONO

2 Q. Did you ever use marijuana with
3 Chris Foust?

4 A. No.

5 Q. Did you ever obtain marijuana
6 from Chris Foust?

7 A. No.

8 Q. Did Chris Foust ever obtain
9 marijuana from you?

10 A. No.

11 Q. Prior to the incident, did you
12 use any other illegal drugs, and let's
13 say, within six months of the incident
14 other than marijuana?

15 MR. LEVY: Note my objection.

16 A. No.

17 Q. Were you in an argument with
18 Chris Foust on the day that the tank
19 ruptured?

20 A. No.

21 Q. Were you in an argument with
22 Christopher Foust at any time prior to
23 the incident?

24 A. No.

25 Q. If another Oprandy's employee

1 FRANKLIN BUONO

2 said that you and Christopher Foust were
3 in an argument on the morning of the
4 incident, would that be true?

5 A. No.

6 Q. So if an employee said you and
7 Chris were arguing on the morning of the
8 incident, can you tell me any reason why
9 they would say that?

10 MR. LEVY: Objection.

11 A. No.

12 Q. Were you and Chris Foust
13 arguing about drugs prior to the
14 incident?

15 A. No.

16 Q. So if someone says that, it
17 would be your testimony that they're
18 lying?

19 A. Correct.

20 Q. Let's talk about your
21 educational background.

22 A. Sure.

23 Q. What's the highest level of
24 education you completed?

25 A. Some college. Completed?

1 FRANKLIN BUONO

2 Q. How many years of college did
3 you complete?

4 A. One semester.

5 Q. Did you graduate from high
6 school?

7 A. Yes. I got my GED.

8 Q. What high school did you go to?

9 A. Goshen High School.

10 Q. What level of high school did
11 you complete at Goshen, did you --
12 freshman, sophomore, junior?

13 A. Senior.

14 Q. Did you graduate from Goshen
15 High School?

16 A. I got my GED.

17 Q. Where did you take some college
18 or a semester of college?

19 A. OCC, Orange County Community
20 College.

21 Q. What were you studying?

22 A. Criminal justice.

23 Q. And what was the reason why you
24 didn't continue?

25 A. My father had a gun shop and it

1 FRANKLIN BUONO

2 was going out of business and we were
3 dealing with a lot about that so I
4 dropped out.

5 Q. Have you had any kind of
6 vocational training?

7 A. I went to a computer tech
8 class.

9 Q. Is that recent?

10 A. Probably four years ago.

11 Q. That was prior to the incident?

12 A. Correct.

13 Q. Did you complete a computer
14 tech class?

15 A. No.

16 Q. Why didn't you complete it?

17 A. I do not remember.

18 Q. Where was that?

19 A. I can't remember the name of
20 the building. It's right behind my house
21 too.

22 Q. It's a vocational school?

23 A. Yes. BOCES I believe.

24 Q. B-O?

25 A. C-E-S.

1 FRANKLIN BUONO

2 Q. Did you drop out?

3 A. I believe so.

4 Q. Do you have any type of
5 vocational certifications?

6 A. No.

7 Q. Have you ever belonged to a
8 union?

9 A. No.

10 Q. Have you ever been married?

11 A. No.

12 Q. Any children?

13 A. Nope.

14 Q. Have you ever served in the
15 armed forces?

16 A. No.

17 Q. Do you have any felony
18 convictions?

19 A. No.

20 Q. Have you ever pled guilty to
21 any type of criminal charge?

22 A. No.

23 Q. Have you ever been charged with
24 any type of crime?

25 A. No.

1 FRANKLIN BUONO

2 Q. And then I would assume, then,
3 you've never served any kind of jail
4 time?

5 A. No.

6 Q. How about speeding tickets?

7 A. Yes.

8 Q. Tell me about your speeding
9 ticket.

10 A. I think I have two.

11 Q. How recent?

12 A. Years, at least three.

13 Q. Do you drive today? I mean,
14 can you drive?

15 A. Yes.

16 Q. I think I saw something in the
17 medical records that they've fitted it so
18 you can drive?

19 A. Yes.

20 Q. Tell me about your free time,
21 who do you generally spend your free time
22 with?

23 A. Emily.

24 Q. Anyone else?

25 A. No.

1 FRANKLIN BUONO

2 Q. What do you do during your free
3 time?

4 A. I watch TV or I'm on my
5 computer.

6 Q. Playing computer games?

7 A. Yeah.

8 Q. Me too.

9 A. Yeah?

10 Q. Anything else?

11 A. Take care of my dogs.

12 Q. How many dogs do you have?

13 A. Two Chihuahuas.

14 Q. And they live with you and
15 Emily?

16 A. Yep.

17 Q. Let's go over your employment
18 history a little bit and I think there
19 was information provided in Defendant's
20 Exhibit 3, I'll let you just look at that
21 real quickly.

22 A. Sure.

23 Q. You know what, I can point you
24 to the particular one so you don't have
25 to -- the question was: For the last ten

1 FRANKLIN BUONO

2 years describe your employment.

3 And it says: The plaintiff has
4 been employed by Rick's Gun Exchange, was
5 that your dad's company?

6 A. Yes.

7 Q. Was that your first place of
8 employment?

9 A. Yes.

10 Q. What did you do at Rick's Gun
11 Exchange?

12 A. Cleaned and fixed guns.

13 Q. How many years or months did
14 you work there?

15 A. About two years once a week.

16 Q. What would be -- like what ages
17 were you when you did that?

18 A. About 15 I believe, 15 to 17,
19 18. Three years?

20 Q. And then I see Dunkin' Donuts,
21 what did you do at Dunkin' Donuts?

22 A. I was a cashier.

23 Q. When was that?

24 A. I believe I was 19 or 20.

25 Q. How long did you work at

1 FRANKLIN BUONO

2 Dunkin' Donuts?

3 A. A few months.

4 Q. And it says that location is
5 closed?

6 A. Correct.

7 Q. But you just worked there a
8 couple of months?

9 A. Correct.

10 Q. What was your next place of
11 employment?

12 A. I don't remember.

13 Q. And I'll just tell you, this
14 lists F&F Industrial Equipment
15 Corporation.

16 A. That's way later.

17 Q. Let me let you read this
18 answer --

19 A. Okay.

20 Q. -- because you don't want to be
21 -- that's the question and the answer.

22 A. Okay. Kiryas Joel was next. I
23 drove ambulances.

24 Q. So from -- after Dunkin' Donuts
25 you worked at Kiryas --

1 FRANKLIN BUONO

2 A. Kiryas Joel.

3 Q. Driving an ambulance?

4 A. Correct.

5 Q. How long did you do that?

6 A. A few months.

7 Q. Then what was your next
8 employment after Kiryas Joel?

9 A. F&F.

10 MS. STIGALL: Just for the
11 record, Kiryas Joel is K-I-R-Y-A-S,
12 J-O-E-L, ambulance.

13 Q. How long did you say you worked
14 at F&F?

15 A. A few months.

16 Q. Where did you work after F&F?

17 A. Oprandy's.

18 Q. So let's go back. It sounds
19 like you -- what did you do for Kiryas
20 Joel?

21 A. I drove an ambulance.

22 Q. So were you actually an EMT?

23 A. No. I was -- no.

24 Q. What would you do, explain to
25 me -- you would actually, if there was an

1 FRANKLIN BUONO

2 emergency, be the person driving the
3 ambulance out to the scene?

4 A. No. We were actually picked
5 up, brought to the scene and then from
6 the scene drove the patient to wherever
7 they needed to go.

8 Q. I guess I'm a little confused.

9 A. So Kiryas Joel is a Hasidic
10 community and they're not allowed to
11 drive on Shabbos. If that makes sense.

12 Q. Yes.

13 So at Dunkin' Donuts you worked
14 for a couple months?

15 A. Correct.

16 Q. Why did you leave Dunkin'
17 Donuts?

18 A. It was a firing, a lot of
19 people were being fired and they brought
20 a bunch of new people and changed
21 locations I believe.

22 Q. Do you know why you were fired?

23 A. No.

24 Q. Had you broken any rules?

25 A. I don't believe so, no.

1 FRANKLIN BUONO

2 Q. Then F&F Industrial Equipment,
3 you said you were there for a few months?

4 A. Correct.

5 Q. What did you do there?

6 A. I worked in warehouse.

7 Q. What did you do in the
8 warehouse?

9 A. Logged items, brought in
10 shipments.

11 Q. Why did you leave F&F
12 Industrial Equipment?

13 A. I just felt like I wasn't
14 learning anything there.

15 Q. So you quit?

16 A. Yes, correct.

17 Q. You weren't fired?

18 A. Correct.

19 Q. Why did you leave Kiryas Joel
20 Ambulance after a few months?

21 A. We were sleeping in our cars
22 overnight because it was a 48-hour shift
23 and I did not like that, so...

24 Q. So you quit?

25 A. Correct.

1 FRANKLIN BUONO

2 Q. You were not fired?

3 A. Correct.

4 Q. Can you give me any idea,
5 you've given me the progression of where
6 you worked, from the time that you left
7 Dunkin' Donuts, how long was it before
8 you started at F&F?

9 A. Between Dunkin' Donuts and F&F?

10 Q. Yes.

11 A. I'm not sure.

12 Q. Well, here's where I'm trying
13 to figure this out, we have the listing
14 of Rick's Gun Exchange, Dunkin' Donuts,
15 F&F Industrial Equipment, Kiryas Joel and
16 Oprandy's.

17 A. Uh-huh.

18 Q. It says over the last ten
19 years. But I see that Oprandy's was
20 about a month, Kiryas Joel was you said a
21 couple of months, F&F was a couple of
22 months, Dunkin' Donuts was a couple of
23 months, would I be correct in assuming
24 there were lapses in where you weren't
25 employed?

1 FRANKLIN BUONO

2 A. Correct.

3 Q. So how much time was there
4 between the time you left Dunkin' Donuts
5 and went to F&F?

6 A. I'm not sure.

7 Q. Would it be less than a year?

8 A. I don't know. It could be more
9 than a year.

10 Q. Then how much time between the
11 time you left F&F and you went to Kiryas
12 Joel?

13 A. Kiryas Joel -- it was Dunkin'
14 Donuts, Kiryas Joel.

15 Q. Sorry. Okay.

16 How much time was there between
17 when you left Dunkin' Donuts and went to
18 Kiryas Joel?

19 A. That's what I was answering
20 before, about a year.

21 Q. And then how much time between
22 Kiryas Joel and F&F?

23 A. A couple -- I believe a year or
24 two.

25 Q. And then after you left F&F,

1 FRANKLIN BUONO

2 how much time was there before you were
3 employed at Oprandy's?

4 A. A couple months.

5 Q. At any of your employment,
6 other than Oprandy's, did you ever work
7 with or around compressed gas?

8 A. No.

9 Q. Prior to coming to Oprandy's
10 had you had any type of training
11 concerning compressed gas?

12 A. No.

13 Q. In response to Request For
14 Produce Number 10 regarding medical
15 providers prior to the incident, it
16 states, the plaintiff's only medical
17 provider prior to the incident was
18 Horizon Medical Group in Goshen; is that
19 correct?

20 A. I believe so.

21 Q. And would it be true that your
22 prescriptions for the last ten years were
23 filled at CVS on Clowes Avenue in Goshen?

24 A. Baxter's in Goshen.

25 Q. Tell me that again?

1 FRANKLIN BUONO

2 A. Baxter's.

3 Q. B-A-X-T-E-R-S?

4 A. Correct.

5 Q. And that's where you would fill
6 prescriptions prior to the incident?

7 A. Correct.

8 Q. Can you think of any medical
9 providers you had prior to this incident
10 other than Horizon Medical Group in
11 Goshen?

12 A. Like doctors?

13 Q. Yes.

14 A. Or -- I have -- I can't
15 remember their names, it was when I was
16 younger mostly.

17 Q. Did you have a primary care
18 physician prior to this incident?

19 A. No. Yes. Dr. Hirsh at Horizon
20 Medical.

21 Q. Prior to this incident, did you
22 ever see any product manuals related to
23 the Poseidon air compressor?

24 A. No.

25 Q. Prior to the incident did you

1 FRANKLIN BUONO
2 ever see any manuals related to the
3 cascade tanks that were connected to the
4 Poseidon compressor?

5 A. No.

6 Q. Prior to this incident, did you
7 see any manuals related to a Kitchen
8 Knight system?

9 A. No.

10 Q. Do you know what a Kitchen
11 Knight system is?

12 A. No.

13 Q. Prior to this incident, did you
14 see any manuals related to the design,
15 installation or maintenance of kitchen
16 fire suppression systems?

17 A. No.

18 Q. Sitting here today or prior to
19 this incident, did you know how to
20 design, install or maintain a kitchen
21 fire suppression system?

22 A. No.

23 Q. Prior to this incident did you
24 see any instructions regarding the proper
25 filling of compressed air tanks?

1 FRANKLIN BUONO

2 A. No.

3 Q. Prior to this incident did you
4 see any instructions regarding the
5 maintenance of a kitchen fire suppression
6 system?

7 A. No.

8 Q. Prior to this incident did you
9 see any manuals relating to the Pro-Tec's
10 fire suppression system?

11 A. No.

12 Q. Do you know what a Pro-Tec's
13 fire suppression system is? No?

14 A. No. Sorry.

15 Q. I understand you know where I'm
16 going with the questions.

17 Prior to this incident, I
18 believe you already said you didn't see a
19 manual for a Kitchen Knight system,
20 correct?

21 A. Correct.

22 Q. Did you ever see a manual for a
23 Kitchen Knight II system?

24 A. No.

25 Q. And I've said manuals, if I was

1 FRANKLIN BUONO
2 going to expand my question to say
3 instructions for use, brochures,
4 documents telling you how to use them,
5 have you ever seen any of those types of
6 documents related to kitchen fire
7 suppression systems?

8 A. No.

9 Q. And include in that, have you
10 ever seen anything that told you how to
11 work the Poseidon air compressor or the
12 attached cascade system?

13 A. No.

14 Q. Prior to the incident what were
15 some of your hobbies?

16 A. I used to like bike riding,
17 rollerblading, go bowling, trap shooting
18 with my father, I used to take my dogs to
19 the park, go out bowling, movies, I used
20 to drive a stick shift.

21 Q. At the time this incident
22 occurred, did you have a bicycle?

23 A. Yes.

24 Q. How often would you ride it?

25 A. When the weather was nice, once

1 FRANKLIN BUONO

2 a week.

3 Q. Were you, like, one of those
4 riders that goes out and kind of go on
5 for, like, a ten mile, see how fast I can
6 get this done?

7 A. No.

8 Q. It was more a recreational
9 thing?

10 A. Yes.

11 Q. How often would you rollerblade
12 prior to the incident?

13 A. About a year before I was
14 pretty activity rollerblading.

15 Q. How about at the time of the
16 incident?

17 A. No.

18 Q. Have you gone trap shooting
19 since the day of the incident?

20 A. No.

21 Q. How often would you go trap
22 shooting prior to the incident?

23 A. I'd go about once a month with
24 my dad.

25 Q. So how many times over your

1 FRANKLIN BUONO

2 lifetime have you gone trap shooting?

3 A. Probably about 25, 30.

4 Q. In the six months prior to the
5 incident, how many times did you go trap
6 shooting?

7 A. I think once.

8 Q. Did you have a supervisor at
9 Oprandy's?

10 A. Chris.

11 Q. Just to be clear, for the
12 record, that's Christopher Foust?

13 A. Correct.

14 Q. Prior to the incident while you
15 were you at Oprandy's, did you receive
16 any training related to filling cylinders
17 or tanks with compressed gas?

18 A. No.

19 Q. While you were at Oprandy's,
20 did you have any training regarding
21 filling fire extinguishers with agent and
22 compressed gas?

23 A. Yes.

24 Q. What was that training?

25 A. Chris showed me how to take

1 FRANKLIN BUONO

2 apart and put back together fire
3 extinguisher.

4 Q. Can you walk me through that
5 step by step in terms of, what would be
6 the first you were going to do when you
7 were servicing a fire extinguisher as
8 Chris instructed?

9 A. I don't remember. I was there
10 a month. I know, like, bits and pieces
11 but it's not the whole walkthrough. It
12 wouldn't be an accurate retelling. I
13 can't remember completely.

14 Q. Would you discharge the fire
15 extinguisher to make sure the contents
16 were out of it?

17 A. Yes.

18 Q. Where would you do that?

19 A. In the shop.

20 Q. I'm going to show you a couple
21 of photographs and if you could tell
22 me -- I'm going to show you Defendant's
23 Exhibit 4 and I'm also going to show you
24 Defendant's Exhibits 8 and 9 and I'm
25 going to ask you if any of these show the

1 FRANKLIN BUONO

2 shop where you would do the work on the
3 fire extinguisher.

4 A. This is all the room. That's
5 where I worked, back there.

6 MR. LEVY: Indicating?

7 MS. STIGALL: He is indicating
8 Defendant's Exhibit 9.

9 A. This is the same room but I
10 didn't work on wet chem.

11 Q. So you pointed to, it looks
12 like a bench in the back of the photo on
13 Defendant's Exhibit 9; is that correct?

14 A. Correct.

15 Q. I think what I'm going to have
16 you go ahead and do is take my pen and
17 can you just kind of put a square around
18 the area where you did that work?

19 A. Sure. Sorry. Circle.

20 Q. It's kind of a circle?

21 A. Yeah.

22 Q. You're encircling the area?

23 MR. LEVY: Can I see what he
24 did?

25 Q. Did you ever work with the

1 FRANKLIN BUONO

2 system that's shown on Defendant's
3 Exhibit 8?

4 A. No.

5 Q. Did you ever receive any
6 training regarding the system that's
7 shown on Defendant's Exhibit 8?

8 A. No.

9 Q. And Exhibit 4 has four pages,
10 looking at the air filling system that's
11 shown a little bit in Defendant's
12 Exhibit 4 and in the upper-right corner
13 of the second page of Defendant's Exhibit
14 four, do you know what that is?

15 A. Where? I'm sorry.

16 Q. It would be the system that's
17 shown and I'll just -- let's just go to
18 the second page, the red machine that's
19 in the upper-right corner of Defendant's
20 Exhibit 4, do you know what that is?

21 A. Yes.

22 Q. What is that?

23 A. That is the Poseidon air tank
24 or air system.

25 Q. Did you receive any training

1 FRANKLIN BUONO

2 from anyone at Oprandy's regarding
3 operating that system?

4 A. No.

5 Q. Did you ever operate that
6 system?

7 A. No.

8 Q. Did you take -- strike that,
9 please.

10 Did you receive -- now I'm
11 talking about your training on the
12 extinguishers.

13 A. Okay.

14 Q. Did you receive any type of
15 written documentation regarding that work
16 you were doing?

17 A. Written instruction?

18 Q. Yes.

19 A. No.

20 Q. Did you ever see any written
21 instruction on that work you were doing?

22 A. No.

23 Q. So would I be correct if I said
24 that anything you learned as far as
25 working with those fire extinguishers was

1 FRANKLIN BUONO

2 basically from Chris showing you how to
3 do it?

4 A. Correct.

5 Q. Did you ever take any online
6 courses about that work?

7 A. I believe he had me go on a
8 website.

9 Q. Do you know what that website
10 was?

11 A. No.

12 Q. What did the -- was there one
13 website?

14 A. Yeah. It was -- go ahead.

15 Q. What did that website show you?

16 A. Different types of normal fire
17 extinguishers.

18 Q. So it just shows different fire
19 extinguishers?

20 A. Yeah. And like the contents of
21 those fire extinguishers and those --
22 like, what fires they would put out.

23 Q. So would I be correct to say
24 that the online information he showed you
25 had to do with types of fire

1 FRANKLIN BUONO

2 extinguishers and the types of fires they
3 put out?

4 A. Correct.

5 Q. Did any of that online
6 information relate to how to properly
7 service a fire extinguisher?

8 MR. LEVY: I'm sorry. You're
9 asking about the website?

10 Q. That online site that you
11 looked at, did anything on that tell you
12 step by step what to do to service a fire
13 extinguisher?

14 A. No.

15 Q. So I'll just ask it this way,
16 did you ever receive any type of online
17 training that instructed you concerning
18 how to service a fire extinguisher?

19 A. No.

20 Q. Did Brian Scott do any of your
21 training?

22 A. No.

23 Q. Is Brian Scott's stepson; is
24 that Robbie?

25 A. Yes.

1 FRANKLIN BUONO

2 Q. Did Robbie provide you with any
3 training?

4 A. No.

5 Q. So the sole training you had at
6 Oprandy's prior to this incident was
7 Chris Foust showing you how to take apart
8 and put together a fire extinguisher?

9 A. Correct.

10 MR. LEVY: I'm sorry. Who's
11 Brian Scott's --

12 MS. STIGALL: Robbie, Brian
13 Scott's stepson.

14 MR. LEVY: Stepson. Okay.

15 Thank you.

16 Q. Did Christopher Foust show you
17 how to fill the fire extinguisher with
18 agent and compressed gas?

19 A. Yes.

20 Q. What did he show you in terms
21 of what to do?

22 A. I cannot remember the process.

23 Q. But you do remember that you
24 did that at the location on Defendant's
25 Exhibit 9?

1 FRANKLIN BUONO

2 A. Correct.

3 Q. And he didn't provide you with
4 any written instructions?

5 A. Correct.

6 MR. LEVY: Can I have that last
7 question and answer. Actually, the one
8 before that.

9 [The requested portion of the
10 record was read.]

11 Q. You had said you looked at your
12 statement prior to coming here today,
13 correct?

14 A. Correct.

15 Q. Can you hand that to me?

16 A. Sure.

17 Q. You mention in your statement
18 that: We would repressurize fire
19 extinguishers by hooking them to the CO2
20 line, opening the valve and watching the
21 gauge on the extinguisher to see that it
22 was full.

23 Is that your recollection here
24 today?

25 A. Yes.

1 FRANKLIN BUONO

2 Q. You also state: To avoid over
3 pressuring I would make sure not to hold
4 the valve open too long?

5 A. Correct.

6 Q. Can you tell me why back then
7 you wanted to avoid over pressurizing?

8 MR. LEVY: Note my objection.

9 I don't know where you're looking.

10 MS. STIGALL: Page 1716.

11 Q. If you would like to look at
12 that, it's on the first full paragraph.

13 MR. LEVY: My objection was, I
14 don't know if it was that he was doing or
15 if he was --

16 Q. You make the statement to avoid
17 over pressurizing?

18 A. Yes.

19 Q. I would make sure not to hold
20 the valve open too long.

21 A. Correct.

22 Q. Why would you want to avoid
23 over pressurizing?

24 A. I believe if you over
25 pressurized the chemical would then start

1 FRANKLIN BUONO

2 coming out.

3 Q. Could there be a danger in over
4 pressurizing in terms of a cylinder
5 rupturing?

6 A. I don't know.

7 Q. Said: If something wasn't
8 working right, I would ask Chris.

9 Did you at times have problems
10 with over pressurizing when you were
11 filling the fire extinguishers?

12 A. I don't know. I don't -- can
13 you repeat the question?

14 Q. Would you ever have any
15 problems with over pressurizing when you
16 were filling the fire extinguishers?

17 MR. LEVY: Note my objection.

18 A. No.

19 MR. LEVY: Because I think
20 we're confusing two different processes
21 in your questions.

22 MS. STIGALL: Right now I'm
23 talking over pressurizing fire
24 extinguishers. I think I said that in my
25 question.

1 FRANKLIN BUONO

2 MR. LEVY: Note my objection
3 because I didn't understand that and you
4 just used the word over pressurizing.

5 MS. STIGALL: Because he used
6 it in his statement.

7 MR. LEVY: Well, but it could
8 refer to different -- two different
9 processes. One that he did and one that
10 he didn't.

11 MS. MOLINEAUX: That's what
12 she's asking him to explain.

13 MR. LEVY: Okay. I just want
14 to make sure we're talking about the same
15 thing.

16 Q. So when you say to avoid over
17 pressurizing I would make sure not to
18 hold the valve open too long.

19 A. Yes.

20 Q. What do you mean by over
21 pressurizing?

22 A. You would be able to see if the
23 dial went -- you'd be able to see how
24 much it pressurized through the gauge.
25 So if you went over that, the chemical

1 FRANKLIN BUONO

2 would start coming out.

3 Q. And did you also understand at
4 that time that there was a danger if you
5 over pressurized a cylinder?

6 A. Yes.

7 Q. You mention in your statement,
8 and I'll just make sure you -- it's down
9 in the next full paragraph, you say in
10 the second line: I never seen a safety
11 cage used.

12 A. Correct.

13 Q. Do you know what a safety cage
14 is?

15 A. Now, yes.

16 Q. What's a safety cage?

17 A. It's something that you put a
18 tank into -- if it explodes it keeps the
19 shrapnel in I believe.

20 Q. And you never saw a safety cage
21 at Oprandy's?

22 A. No.

23 Q. When you pressurized fire
24 extinguishers at Oprandy's did you ever
25 use a safety cage?

1 FRANKLIN BUONO

2 A. No.

3 Q. Did you ever see anyone at
4 Oprandy's ever use a safety cage?

5 A. No.

6 Q. On the day of the incident when
7 the cylinder at issue was being
8 pressurized was a safety cage used?

9 A. No.

10 Q. I'd like to walk through step
11 by step what happened on the day of the
12 incident.

13 A. Okay.

14 Q. What time did you get to work
15 that morning?

16 A. 9:00. Every morning.

17 Q. What did you do that morning
18 when you got to work?

19 A. I was moving fire extinguishers
20 to Brian's truck I believe and he then
21 asked me to fill a compressed CO2 tank,
22 which I've never done, or compressed
23 cylinder, which I never done before. So
24 I asked Chris to show me how and he
25 brought me in the back room.

1 FRANKLIN BUONO

2 Q. Let's take it a little bit at a
3 time and then we'll continue.

4 A. Sure.

5 Q. So you got there that morning
6 and you're moving fire extinguishers to
7 Brian Scott's truck?

8 A. Correct.

9 Q. And at that point Brian Scott
10 asked you to fill a compressed gas tank?

11 A. Correct.

12 Q. Was that tank the cylinder at
13 issue in this case?

14 A. Correct.

15 Q. Where was that tank when you
16 first saw it?

17 A. I believe it was in the room
18 that we were -- that we work in, the
19 shop.

20 Q. So did Brian take you to the
21 room and say, I need you to fill this?

22 A. No. It was in the room and he
23 asked me to fill it.

24 Q. And what did you do next?

25 A. I then got Chris and asked him

1 FRANKLIN BUONO

2 to show me how and I don't remember if it
3 was me or him that moved it into the
4 other room. Yeah.

5 Q. When you have first saw the
6 cylinder, if you can look at the exhibits
7 I showed you before and show me which
8 room it was in?

9 A. When I first saw it?

10 Q. Yes.

11 A. It was in this room.

12 Q. So when you first saw the
13 cylinder it was in the room that is
14 Defendant's Exhibit 9?

15 A. Correct.

16 Q. And somehow the cylinder was
17 moved from that room to the room that's
18 shown in Defendant's Exhibit 4?

19 A. Correct.

20 Q. Did Brian Scott ask -- he just
21 asked you to fill it, he didn't ask you
22 to go get Chris, he just said, you need
23 to fill this?

24 A. Correct.

25 Q. So you said you then went and

1 FRANKLIN BUONO

2 got Chris and asked him to show you how?

3 A. Correct.

4 Q. So you're in the room shown on
5 Defendant's Exhibit 4, what happened
6 next?

7 A. Chris went over to the Poseidon
8 system and hooked it up to the tank and
9 attempted to fill it, and we were looking
10 at the red gauge and the tank and it was
11 not filling, we were listening for air to
12 go into the tank.

13 Q. So let me stop you there.

14 A. Uh-huh.

15 Q. Just because I'm trying to take
16 this a little bit at a time.

17 A. Yep.

18 Q. So when you say Christopher
19 went over to the Poseidon system, are you
20 talking about the red machine that's on
21 the second page of Defendant's Exhibit 4?

22 A. Yes.

23 Q. Can you go ahead and I'll hand
24 you a pen and just circle so there's
25 complete clarity to what we're talking

1 FRANKLIN BUONO

2 about. Thank you.

3 Did you hear the compressor
4 come on?

5 A. No.

6 Q. So what did he turn on?

7 A. I'm not sure.

8 Q. Did you see how he hooked it
9 up?

10 A. I don't know.

11 Q. You don't know one way or
12 another?

13 A. No.

14 Q. Then you said, We attempted to
15 fill it looking at the red gauge. I'm
16 going to show you Defendant's Exhibit 5
17 and 6, and I'll represent to you
18 Defendant's Exhibit 6 is from an OSHA
19 report.

20 A. Okay.

21 Q. Have you seen that report
22 before?

23 A. Yes.

24 Q. And I'll represent to you that
25 Defendant's Exhibit 5 is a photograph of

1 FRANKLIN BUONO

2 the tank after the incident.

3 Could you please show me if you
4 see on the Defendant's 5 or 6 the gauge
5 that you were looking at as you were
6 filling the tank?

7 A. No. There's no gauge there in
8 your pictures.

9 Q. Where was the gauge?

10 A. I don't know. On top.

11 Q. Was it on top of the tank?

12 A. I believe so.

13 Q. And let me just ask you, and I
14 don't want to influence your answer, but
15 I'm just trying to get some clarity here,
16 on both of these I see a round thing to
17 the side.

18 A. Correct.

19 MR. LEVY: I'm sorry. On which
20 exhibit?

21 Q. On Defendant's Exhibit 6
22 there's a item that, I think it's got a
23 number, I can't see the number, it's
24 furthest left on the photograph that's on
25 the bottom that is round but you're

1 FRANKLIN BUONO

2 seeing it from the side.

3 A. Correct.

4 Q. And then the same thing,
5 there's a round item that's on the top of
6 the tank but you're seeing it from the
7 top, you're not --

8 A. Seeing the side, yeah.

9 Q. See onto that.

10 A. It's a gauge. There's just no
11 actual gauge there.

12 Q. Could this be the gauge that
13 you were looking at?

14 A. It's possible.

15 Q. Now that you're seeing that
16 that's on the top of the tank, is it in
17 the location of the gauge that you were
18 looking at that day?

19 A. I believe so.

20 Q. What were you looking for when
21 you were looking at that gauge on the top
22 of the tank?

23 A. For the gauge to move.

24 Q. Other than the gauge on the top
25 of the tank, did you look at any other

1 FRANKLIN BUONO

2 gauge to see if the air was going in?

3 MR. LEVY: Just note my
4 objection. I don't know that he's
5 indicated there was any other gauge.

6 MS. STIGALL: That's why I'm
7 asking, did he look at any other gauge.
8 If you want me to ask it another way.

9 MR. LEVY: Yes.

10 Q. Did you look at any other gauge
11 other than the gauge on the top of the
12 tank to see if air was going into the
13 tank?

14 A. I don't know. I only remember
15 the one gauge.

16 Q. So it's your testimony here
17 today that the only gauge that you
18 remember looking at is the one on the top
19 of the tank?

20 A. That's the only one I know of,
21 yes.

22 Q. I'm handing you what's been
23 marked as Defendant's Exhibit 7 and if
24 you can look at the photograph in
25 Defendant's Exhibit 7. I just wanted to

1 FRANKLIN BUONO

2 make sure you had time.

3 A. Yep.

4 Q. In your statement you mention
5 Chris grabbed a part from the other room
6 and hooked it up to the compressor. Then
7 you say the fitting that Chris grabbed
8 from the front room was a long piece of
9 metal with a nozzle or a valve in the
10 middle?

11 A. Correct.

12 Q. Looking at Defendant's
13 Exhibit 7, do those pieces appear to be
14 the pieces that were used to fill the
15 tank that day?

16 A. I know this one.

17 Q. And you just noted the piece
18 that has the red handle on it?

19 A. Correct.

20 Q. What was that piece used for
21 that day?

22 A. I did not know at the time.

23 Q. What did Chris do -- there's a
24 statement in your -- there's a sentence
25 in your statement that said something

1 FRANKLIN BUONO

2 about throttling the air in?

3 A. Correct.

4 Q. Was that photograph, the bottom
5 photograph on Defendant's Exhibit 2, does
6 it show the piece that Chris used to
7 throttle air into the cylinder that day?

8 A. Yes, it does.

9 Q. What would he do to throttle
10 the air in?

11 A. Move the valve back and forth.

12 Q. Your last statement was that
13 Chris hooked it up, attempted to fill it
14 and you were looking at the red gauge?

15 A. Correct.

16 Q. Please tell me in your own
17 words what happened next.

18 A. After he got the piece, I was
19 looking at the red gauge, leaning in to
20 listen if any air was going in also, and
21 I'm pretty sure that's when it exploded.

22 Q. When you say he went to get the
23 piece, is that the piece we're seeing in
24 this?

25 A. Yes.

1 FRANKLIN BUONO

2 Q. How much time elapsed from the
3 time he hooked up this piece, and that
4 being the piece in the bottom of 7, and
5 started throttling in air, how much time
6 elapsed from the time he started
7 throttling in air to the time the tank
8 ruptured?

9 A. I don't know.

10 Q. If there's any kind of guess --
11 not a guess -- I'm sorry -- estimate in
12 terms of, are we talking 15 minutes or
13 something closer to just a minute or two?

14 A. A minute or two.

15 Q. If you could look at the valve
16 that's shown in the bottom picture on
17 Defendant's Exhibit 6 and tell me where
18 was the fitting inserted into the valve
19 to fill the tank, was it inserted on the
20 side or on the top?

21 A. On the side.

22 Q. Can you draw an arrow on
23 Defendant's Exhibit 6 into where the
24 fitting was inserted to fill the tank?

25 And I'm showing that there's an

1 FRANKLIN BUONO

2 arrow that's next to the diagram of the
3 valve.

4 MR. LEVY: I just see -- oh,
5 okay.

6 Q. And if you were going to draw
7 it over on this photograph, where would
8 you draw the arrow on the photograph of
9 the valve?

10 Thank you.

11 There's mention in your
12 statement that Chris was using a
13 screwdriver to press down on something,
14 can you put a circle around the area
15 where Chris was pressing down with the
16 screwdriver?

17 MR. LEVY: Can I see that?

18 Q. You know what, now that we've
19 done two arrows I'm going to have you put
20 SD next to the arrow where he was pushing
21 down with the screwdriver?

22 MR. LEVY: I'm sorry. Did you
23 say what was it that he was pushing down
24 the screwdriver on?

25 Q. What was he pushing down with

1 FRANKLIN BUONO

2 the screwdriver, do you know what that's
3 called?

4 A. No.

5 Q. Let me ask you, as he was doing
6 that did you see a little valve stem up
7 that he was pushing down on kind of like
8 what you -- stem on a tire?

9 A. No.

10 Q. Don't remember?

11 A. I didn't see it.

12 Q. But he was pressing down on the
13 top of the valve?

14 A. Yes.

15 Q. Had you ever filled any test
16 cylinder before?

17 A. No.

18 Q. In your statement you say,
19 Chris never mentioned that the pressure
20 on the regulator needed to be set or
21 mentioned the regulator at all; is that
22 still your recollection today?

23 A. Yes.

24 Q. You also state: I don't even
25 know if the regulator was used; is that

1 FRANKLIN BUONO

2 still your recollection today?

3 A. Yes.

4 Q. At any time while you were
5 there during the filling operation, did
6 you ever see Chris use a regulator?

7 A. I don't know. I was only there
8 one other time and it was from a far
9 distance.

10 Q. But my question is, did you
11 ever see him use a regulator that day?

12 A. No. I was -- the questions
13 that they asked me, I wasn't aware of any
14 of this prior. I learned through the
15 OSHA report, so...

16 Q. I understand.

17 But I just want to make sure
18 I'm clear on what you saw or didn't see
19 or what you heard or you didn't hear.

20 A. Okay.

21 Q. Did you ever hear Chris say he
22 was using a regulator?

23 A. No.

24 Q. Did you ever see Chris use a
25 regulator?

1 FRANKLIN BUONO

2 A. No.

3 Q. And as a matter of fact you say
4 in your report Chris never mentioned the
5 regulator at all; is that correct?

6 A. Correct.

7 Q. Did you ever examine the tank
8 to look at anything that was written on
9 the tank?

10 A. Yes.

11 Q. What did you look for?

12 A. I looked for warnings or stuff
13 like that, instructions, anything.

14 Q. When did you look for warnings
15 or instructions?

16 A. While we were -- while Chris
17 was tinkering with it.

18 Q. What did you see on the tank?

19 A. I believe a date. That was
20 about it. A lot of it was really worn.

21 Q. Did you ask to look for a
22 manual related to the cylinder?

23 A. No.

24 Q. Did you ask to look for a
25 manual related to the air filling system?

1 FRANKLIN BUONO

2 A. No.

3 Q. Was there anything posted on
4 the walls in terms of signage about how
5 to fill the cylinders from the Poseidon
6 system?

7 A. No.

8 Q. Did you look on the walls?

9 A. No. There was nothing on the
10 walls to look at. Just -- there's no
11 instructions in any of those walls.

12 Q. Okay. Thank you.

13 A. Yep.

14 Q. Occasionally I kind of have to
15 look over my notes, so... There are some
16 lawyers that may not have to but I need
17 to look over my notes.

18 Earlier we talked about the
19 different employees at Oprandy's, I think
20 we went through a list when we went
21 through your disclosure.

22 A. Uh-huh.

23 Q. Were all those employees there
24 that day?

25 A. No.

1 FRANKLIN BUONO

2 Q. Who wasn't there?

3 A. The two men that delivered
4 stuff. I don't think Robbie was there.

5 Q. Who was there on the day of the
6 incident?

7 A. I believe --

8 Q. At the time of the incident?

9 A. I believe just Chris and Brian.

10 Q. Was Arlene there?

11 A. She might've been. But I
12 didn't see her.

13 Q. Was Patty?

14 A. I didn't see her.

15 Q. To your recollection the only
16 other employee there other than you and
17 Chris was Brian?

18 A. Correct.

19 Q. So I believe your next
20 testimony was that Chris was pushing down
21 on the top of the valve?

22 A. Correct.

23 Q. Tell me what happened next.

24 A. He was pushing down on the
25 valve, all I remember was a huge

1 FRANKLIN BUONO
2 explosion, I guess you'd -- the ground
3 just collapsed under me, the shrapnel hit
4 other fire extinguishers which caused
5 them to explode chemicals all over the
6 room. So we couldn't see or hear because
7 the explosion. When I realized I lost my
8 leg I crawled to the door and called for
9 help for Brian and I tourniqueted my leg
10 with my belt.

11 Q. Looking at Defendant's
12 Exhibit 4, can you tell me where in that
13 room you and Chris were at the time you
14 were filling the fire extinguisher?

15 A. In that giant black -- yeah.

16 Q. So how many feet were you from
17 the Poseidon system would you estimate?

18 A. I was probably, like, two feet
19 or like a foot from Chris and probably,
20 like, four, five feet from the Poseidon
21 air tank.

22 Q. Was the tank between you and
23 Chris?

24 A. I was off to the side a little
25 bit. So, like, Poseidon tank, Chris, me

1 FRANKLIN BUONO

2 more or less.

3 Q. I'm just going to give you a
4 sheet of paper here.

5 A. You want to see my stick
6 figures.

7 Q. You know what, you don't have
8 to do a stick figure. If you want to do,
9 like, your initials and Chris's initials
10 and then, like, a T for the tank and a P
11 for the Poseidon system. I'm just going
12 to -- is the room square?

13 A. I believe so.

14 MR. LEVY: Just note my
15 objection to the witness creating
16 evidence.

17 MS. STIGALL: I'm just trying
18 to get a good feel for where everybody
19 was.

20 MR. LEVY: He said he was a
21 foot from Chris at the time as I recall.

22 Q. So if you can -- and what I'm
23 going to do, the Poseidon system is
24 pretty much in the corner, correct?

25 A. Yeah.

1 FRANKLIN BUONO

2 Q. So I'm going to put a P, and
3 that's me, you aren't doing that, where
4 the Poseidon system would have been.

5 A. Okay.

6 Q. Okay?

7 And if you could then give me
8 an idea, with this being the room, put
9 your initials where you were, Chris's
10 initials where he was and then a T where
11 the tank was just prior to the incident
12 so we get an idea of how things were
13 arranged.

14 MR. LEVY: Note my objection.

15 A. Okay. I have no idea of the
16 accuracy of this. Because this is not
17 labeled for meters or feet or anything.

18 Q. No, I understand. We're not
19 holding you to feet and inches. I just
20 want location of who's closest to the
21 Poseidon system, who's -- where the tank
22 is in relation to you and Chris.

23 MR. LEVY: Just note my
24 objection to what you're asking him to do
25 here. He's already indicated he's not

1 FRANKLIN BUONO

2 sure that he can do it in a proper
3 manner. So over objection you can try if
4 you can. If you can't, say you can't.

5 A. Accurately I can't.

6 Q. Who was closest to where the
7 Poseidon system was?

8 A. Chris.

9 Q. And then where was the tank in
10 relation to you and Chris? If you don't
11 want to draw we'll just talk about it.

12 That's fine.

13 A. Yeah. I'd rather not draw it.

14 Q. That's fine. I'm fine with
15 that.

16 The Poseidon system's in the
17 corner and Chris is how many feet would
18 you say he's from it?

19 A. Maybe two feet.

20 Q. Then where is the tank in
21 relation to Chris?

22 A. He's right next to it.

23 MR. LEVY: You're asking about
24 the tank to be filled?

25 MS. STIGALL: Yes.

1 FRANKLIN BUONO

2 THE WITNESS: Yeah.

3 Q. If the Poseidon system is a
4 couple of feet from Chris, is the tank
5 between Chris and the Poseidon system or
6 is it on the other side of Chris from the
7 Poseidon system?

8 A. Can you repeat that?

9 Q. Okay. So we got the -- Chris
10 is about two feet from the tank?

11 A. Yep.

12 Q. From the Poseidon system?

13 A. Yep.

14 Q. Is the tank between Chris and
15 the Poseidon system or is it on the other
16 side of Chris away from the Poseidon
17 system?

18 A. I believe that Chris is in
19 between the tank and Poseidon system.

20 Q. So how close is the tank to the
21 Poseidon system?

22 A. Just a couple of feet, two
23 feet, three feet.

24 Q. A little further than Chris?

25 A. Yeah.

1 FRANKLIN BUONO

2 Q. And then where are you in
3 relation to Chris and the tank?

4 A. Probably, like, a foot away
5 looking at the dial leaning in.

6 Q. Is the tank between you and
7 Chris?

8 A. It's to the -- I'm kind of to
9 the side of it I believe.

10 Q. How far were you from the tank?

11 A. About a foot.

12 Q. How far was Chris from the
13 tank?

14 A. I believe he was straddling it.
15 Not straddling it but, like, right -- he
16 was on the top of it.

17 Q. And you're about a foot away?

18 A. Yeah.

19 Q. That gives me the information I
20 need. Thank you.

21 Who did you see first after the
22 incident happened?

23 A. Brian. Well, I saw Chris first
24 on the floor. Then Brian.

25 Q. What happened?

1 FRANKLIN BUONO

2 A. I yelled for him to get help,
3 to call 911. He went and called 911,
4 came back, he said he called 911. And
5 that's the last I remember of him.

6 Q. You didn't see him after that?

7 A. I don't believe so, no.

8 Q. Did he assist with any kind of
9 medical help?

10 A. No.

11 Q. Did he check to see how you
12 were or how --

13 A. No.

14 Q. Did he check to see how Chris
15 was?

16 A. No.

17 Q. Where did you go?

18 A. I have no idea.

19 Q. From the time that he came in
20 and you told him --

21 A. He didn't come in the room. He
22 just stood in the doorway.

23 Q. If I can just finish my
24 question.

25 A. Sorry.

1 FRANKLIN BUONO

2 Q. I understand that this is --
3 just tell me if you need to take a break.
4 I understand this is a very difficult
5 incident.

6 From the time he came in and
7 you told him to call 911, did he ever
8 come back into the room?

9 A. He never was in the room in the
10 first place.

11 Q. From the time -- so he just
12 came to the --

13 A. Door.

14 Q. From the time he came to the
15 door -- well, let me ask you this, did
16 Brian Scott ever come into the room after
17 the incident happened?

18 A. I don't believe so.

19 Q. Who was the first person to
20 come into the room after the incident
21 happened?

22 A. I believe a firefighter.

23 Q. How long was it before the
24 firefighters got there?

25 A. I'm not sure.

1 FRANKLIN BUONO

2 Q. Did you lose consciousness?

3 A. No. I was in shock, though.

4 Q. Did Chris lose consciousness?

5 MR. LEVY: Just note my
6 objection.

7 A. I don't know.

8 Q. You don't know?

9 A. I don't know?

10 Q. It's my understanding you were
11 transported from the scene by ambulance
12 to the hospital?

13 A. Ambulance to helicopter.

14 MS. STIGALL: I think we might
15 go ahead and take a break for a few
16 minutes.

17 THE VIDEOGRAPHER: The time is
18 12:20 and we are going off the record.

19 This is the end of Media Unit 1.

20
21 [Whereupon, after a luncheon
22 recess was taken, the following was
23 had:]

24
25 A F T E R N O O N S E S S I O N

1 FRANKLIN BUONO

2

3 THE VIDEOGRAPHER: The time is
4 1:06 and we are back on the record. This
5 is THE beginning of Media Unit 2.

6 BY MS. STIGALL:

7 Q. Mr. Buono, Defendant's
8 Exhibit 1, I believe the circle is where
9 you said it showed the area where you
10 would work on, refill and recharge
11 extinguishers; is that correct?

12 A. Yes.

13 Q. When you would recharge those
14 extinguishers with agent and compressed
15 gas, when you did that?

16 A. Yes.

17 Q. Did you read what was on the
18 side of the fire extinguisher?

19 A. I believe so, yes.

20 Q. Can you tell me, sitting here
21 today, what it said on the side of the
22 fire extinguishers that you filled with
23 agent and compressed gas?

24 A. I do not know. It's been a
25 long time.

1 FRANKLIN BUONO

2 Q. Can you tell me one thing it
3 said on the label that you have testified
4 to that you read?

5 A. No, I do not remember anything
6 that was on that label.

7 Q. Do you remember if there was
8 anything on the label about how to fill
9 the extinguisher with compressed gas and
10 agent?

11 A. I don't know.

12 Q. I am going to be kind of
13 jumping around because I'm going through
14 some of my notes previously.

15 Prior to this incident, had you
16 ever been injured on any job?

17 A. No.

18 Q. Prior to this incident had you
19 ever had any type of claim for injuries
20 to any entity whether it be an automobile
21 accident, a workplace injury, anything?

22 A. No.

23 Q. Did you ever receive any
24 training related to safety while you were
25 at Oprandy's?

1 FRANKLIN BUONO

2 A. No.

3 Q. I'm sorry?

4 A. No.

5 Q. Thank you.

6 During this incident what parts
7 of your body were injured?

8 A. Right below the knee, my right
9 leg below the knee.

10 Q. Can you describe to me how
11 large the room was that you were in when
12 the cylinder was being pressurized?

13 A. Fairly large.

14 Q. 20 by 20, 10 by 10?

15 A. I don't know.

16 Q. Once again, I'm going to pull
17 out your statement to make sure I say it
18 correctly.

19 Your statement was that Chris
20 would throttle the air with the valve on
21 the -- oh, it's the page that has 1717 on
22 the bottom. And I'm reading from about a
23 little bit more than halfway down the
24 first paragraph. Just tell me when you
25 see the part, Chris would throttle.

1 FRANKLIN BUONO

2 A. Uh-huh.

3 Q. Chris would throttle the air
4 with the valve on the long metal piece
5 and we would look at the gauge on the
6 cylinder to see if it was full just like
7 when we fill a fire extinguisher.

8 A. Correct.

9 Q. That's your recollection today?

10 A. Yes. That look at -- I was
11 looking at the gauge like I looked at the
12 other fire extinguishers, yes.

13 Q. And it was the gauge that was
14 on that cylinder? It says, look at the
15 gauge on the cylinder.

16 A. I believe so, yes.

17 Q. Did you ever see an instruction
18 manual for the fire extinguishers that
19 you serviced?

20 A. No.

21 Q. When was your most recent
22 doctor appointment?

23 A. I believe maybe about a month
24 and a half ago I saw the surgeon. A
25 follow-up appointment on the last surgery

1 FRANKLIN BUONO

2 I had.

3 Q. Would that be Michael Coch?

4 A. Yes.

5 Q. I show a visit on January 3,
6 2018, and it said surgery scheduled for
7 1/17/2018 with Dr. Aspirino and myself to
8 place an interface of dermal matrix to
9 release the tibial stump to reinforce the
10 padding.

11 MR. LEVY: What's the question?

12 Q. Was that your last appointment?
13 Or did you have the surgery?

14 A. No, I had the surgery and then
15 I had a follow-up appointment.

16 Q. That's what I -- so you did
17 have that procedure done?

18 A. Correct, yes.

19 Q. Has that improved the situation
20 in terms of using --

21 A. I have not gotten a new
22 prosthetic yet.

23 Q. When do you expect --

24 A. About a week to two weeks.

25 Q. Have you had any other doctors'

1 FRANKLIN BUONO

2 appointments recently other than the
3 follow-up appointment after the surgery
4 that I just outlined?

5 A. No.

6 Q. How about any appointments with
7 psychologist, psychiatrist?

8 A. Yes.

9 Q. When was your most recent
10 appointment?

11 A. Two weeks ago.

12 Q. Who was that with?

13 A. I'm not sure. I'm so bad with
14 names.

15 Q. Is that Rubin?

16 A. Yes, it's Rubin.

17 Q. In the past year, how often
18 have you seen Psychologist Jeffrey Rubin?

19 A. Every two weeks.

20 Q. So since January 1st you've
21 seen him twice a month?

22 A. Yeah.

23 Q. And can you tell me what he is
24 treating you for?

25 A. PTSD.

1 FRANKLIN BUONO

2 Q. Can you outline for me any
3 symptoms of PTSD that you're experiencing
4 today?

5 A. Experiencing today?

6 Q. Not right this second but as of
7 today?

8 A. Okay.

9 Q. Like, present symptoms.

10 A. Flashbacks, problems sleeping,
11 problems concentrating, problems --
12 that's about it, that I can remember
13 right now.

14 Q. Have those symptoms improved
15 any since the incident?

16 A. On and off.

17 Q. I guess I should have asked
18 initially when did those symptoms start?

19 A. Right after the incident.

20 Q. Did you ever have any problems
21 with sleeping or concentrating prior to
22 this incident?

23 A. No.

24 Q. Had you been treated prior to
25 this incident for psychological issues?

1 FRANKLIN BUONO

2 A. Yes.

3 Q. When were you treated prior to
4 this incident for psychological issues?

5 A. Two to three years before that
6 I believe.

7 Q. How did you come to have
8 treatment for psychological issues
9 several years before the incident?

10 A. I was seeing a psychologist or
11 therapists and I was on antidepressants.

12 Q. Did you have problems sleeping
13 at that time?

14 A. No.

15 Q. Did you have problems
16 concentrating at that time?

17 A. No.

18 Q. What was the problem at that
19 time?

20 A. Depression.

21 Q. Did there come a time several
22 years prior to this incident where you
23 attempted suicide?

24 A. Yes.

25 Q. When was that?

1 FRANKLIN BUONO

2 A. I don't know the exact date.

3 Q. How old were you?

4 A. I believe I was 20 or 21.

5 Q. Tell me about that.

6 A. What would you like to know?

7 Q. What did you do to attempt to
8 commit suicide?

9 A. I locked myself in my car and
10 duck-taped a hose to the exhaust and fed
11 it through a window.

12 Q. Did you also take some sort of
13 medication?

14 A. I believe so.

15 Q. Did someone find you, is that
16 what happened?

17 A. Yeah. My sister found me. Not
18 my sister. She was there. But my mom
19 had a tenant at the time named Chris
20 Bradberry, he found me.

21 Q. And then after that did you
22 have psychological treatment?

23 A. Yes.

24 Q. For how long?

25 A. Two to three years after that.

1 FRANKLIN BUONO

2 Q. So that was when you were 20 or
3 21 years old?

4 A. Yeah.

5 Q. And this incident occurred when
6 you were 23, correct?

7 A. Correct.

8 Q. So I'm just trying to do the
9 math, were you still undergoing
10 psychological treatment at the time of
11 this incident?

12 A. No. I had stopped.

13 MS. STIGALL: Give me just a
14 second. I apologize. I turned that off
15 before we met and turned it back on
16 during the break. I apologize.

17 Q. Can you please clarify --

18 A. Can you please repeat the --

19 Q. The timing, the timing of -- my
20 understanding was you attempted suicide
21 at 20 to 21 years old, this incident
22 occurred when you were 23. So I was
23 wondering at what point prior to this
24 incident had yo -- were you still
25 ongoing --

1 FRANKLIN BUONO

2 A. No. About a year prior I had
3 stopped taking the antidepressants and I
4 was feeling pretty good.

5 Q. Have you taken any
6 antidepressants since this incident?

7 A. Yes.

8 Q. What were you prescribed since
9 this incident occurred or after this
10 incident?

11 A. I believe I told you already.

12 Q. Was that what we started the
13 deposition off with?

14 A. Yes, correct.

15 Q. The Cymbalta?

16 A. Yes. It's either Celexa or
17 Cymbalta. It's one of those.

18 Q. Celexa?

19 A. Yeah, I believe so.

20 Q. So have you been on Celexa or
21 Cymbalta?

22 A. For the last two months.

23 Q. Have you, since the incident,
24 attempted to gain employment anywhere?

25 A. No.

1 FRANKLIN BUONO

2 Q. Once I think you said here,
3 shortly you should be getting a new
4 prosthesis, once you have that is it your
5 expectation that you will be able to
6 return to gainful employment?

7 A. No.

8 Q. You don't think you'll ever be
9 able to return?

10 A. Oh, yes. But just not in the
11 next, at least, year probably. Yeah.

12 Q. Where do you kind of get that
13 estimate of a year out from getting the
14 prosthesis?

15 A. When I lost my leg they had to
16 take a piece of muscle from my back to
17 sew it to my leg so I could keep my knee,
18 and when I wear my prosthetic it causes
19 blisters. So the whole reason I had this
20 operation was to add padding so that,
21 one, my knee or the bone that was
22 protruding wouldn't be -- pop out of the
23 skin through the prosthetic and hopefully
24 to lessen blisters.

25 That I get, but there's still

1 FRANKLIN BUONO

2 going to be blisters, just not as bad.

3 We hope.

4 Q. But do you expect that -- so
5 you expect that that's going to take
6 about a year to resolve, is that what
7 you're saying?

8 A. Yes. To learn to walk again
9 and be able to stand on my feet for more
10 than an hour, yeah.

11 Q. What type of employment are you
12 hopeful of gaining here once you're able
13 to get back in the force?

14 A. Something with computers.

15 Q. In the time that you've been
16 off due to this incident and your medical
17 treatment, have you engaged in any
18 training or schooling related to
19 computers?

20 A. No.

21 Q. Is that something you expect to
22 do?

23 A. Yes.

24 Q. Have you applied to any
25 programs to date?

1 FRANKLIN BUONO

2 A. No.

3 Q. Would you agree with me that
4 compressed gases should be handled only
5 by properly trained employees or persons?

6 A. Are you asking for my opinion?

7 MR. LEVY: I'm going to object
8 to that.

9 A. From what I've experienced,
10 yes.

11 Q. Did you receive any training
12 whatsoever that incorporated or
13 referenced the compressed gas association
14 standards?

15 A. No.

16 Q. And I guess because you didn't
17 get any training?

18 A. No, correct.

19 Q. I'm finished for now.

20 A. Okay.

21 Q. The other attorney will ask
22 some questions. I may have some
23 follow-up later on.

24 EXAMINATION BY

25 MS. MOLINEAUX:

1 FRANKLIN BUONO

2 A. Hi.

3 Q. Hello, Mr. Buono. My name is
4 Shelley Molineaux and I represent
5 Worthington who was the manufacturer of
6 the cylinder that is the subject of this
7 incident.

8 I want to ask you a little bit
9 about when your uncle told you that he
10 knew Oprandy's was looking for an
11 employee, what was your understanding the
12 job was?

13 A. I did not have an understanding
14 of the job yet.

15 Q. Okay. So how did you -- did
16 you first speak with Brian Scott about
17 the job?

18 A. Yes. I had an interview with
19 him.

20 Q. And at that interview did you
21 ask him what the job was?

22 A. Yes.

23 Q. What did he tell you was the
24 position that you were applying for?

25 A. Taking care of the fire

1 FRANKLIN BUONO

2 extinguishers, filling them and replacing
3 them.

4 Q. Did he ask you if you had ever
5 done anything like that before?

6 A. I don't know. I don't
7 remember.

8 Q. Did he ask you what type -- if
9 you had any type of training in filling
10 fire extinguishers?

11 A. I don't know.

12 Q. Did he at any time tell you
13 that it was a dangerous job?

14 A. I don't -- no.

15 Q. No?

16 A. No.

17 Q. Did you have an understanding
18 at the time that you were applying that
19 working with compressed gas was
20 dangerous?

21 A. No.

22 Q. No?

23 How long was that interview, if
24 you remember?

25 A. I don't. Thirty minutes maybe.

1 FRANKLIN BUONO

2 Q. Did he offer you the job at the
3 end of the interview or did he call you
4 later?

5 A. I believe he offered me the job
6 at the end of the interview.

7 Q. So then on your first days of
8 work, what was the first thing that you
9 did?

10 A. I over shadowed Chris on
11 putting together and taking apart the
12 fire extinguishers.

13 Q. Which you understood was going
14 to be your job?

15 A. Correct.

16 Q. And I know you don't remember
17 the exact process of doing that, but what
18 I understand is you would take off the
19 valve and clean out; is that correct?

20 A. I -- again, it's been a very
21 long time. There's probably, like, wipe
22 down the tank before or something.

23 Q. I'm more interested in once the
24 tank is clean and ready to be refilled,
25 you would put in some type of an agent?

1 FRANKLIN BUONO

2 A. Sure. That skips a lot of
3 processes. A lot of processes right
4 there, but, yes.

5 MR. LEVY: Ultimately you're
6 asking.

7 Q. Ultimately, yes, you put in the
8 agent?

9 A. Yeah.

10 Q. And then you have to pressurize
11 it?

12 A. Correct.

13 Q. And what would you pressurize
14 it with?

15 A. I'm not sure of the gas.

16 Q. And how did you determine what
17 pressure to put in the tank?

18 A. The gauge.

19 Q. Well, the gauge told you what
20 pressure was going in, correct?

21 A. Correct.

22 Q. How full the tank was?

23 A. Correct.

24 Q. And how did you determine when
25 you were supposed to stop?

1 FRANKLIN BUONO

2 A. When the gauge was full. It
3 showed from empty to full.

4 Q. Did it have the words empty and
5 full?

6 A. No. It was just red and green.

7 Q. So when it got to the green --

8 A. We knew to stop.

9 Q. You knew to stop.

10 When you were doing fire
11 extinguishers, did you have an
12 understanding other than a gauge what the
13 pressure you were supposed to be putting
14 in was?

15 A. At the time, yes, I believe so.

16 Q. And how did you gain that
17 understanding?

18 A. Through Chris.

19 Q. So as you sit here today you
20 have a recollection that Chris told you
21 we were filling the fire extinguishers to
22 X amount?

23 A. Correct.

24 Q. You just don't remember that X
25 amount?

1 FRANKLIN BUONO

2 A. Correct. All the fire
3 extinguishers are different when it comes
4 to the exact amount. There was a lot of
5 different sizes.

6 Q. So when you were working on the
7 different sizes, how did you --

8 A. The same way.

9 Q. Just looking to see when the
10 gauge went to full?

11 A. Correct.

12 Q. You never asked what the
13 pressure was that was supposed to be
14 going in?

15 A. No.

16 Q. Did anyone ever tell you where
17 you could find what particular pressure
18 would go in a particular tank?

19 A. I don't know. Don't know.

20 Q. You don't know because you
21 don't remember or --

22 A. I don't remember.

23 Q. Now, you said that you read
24 what the label said on the side of the
25 fire extinguisher?

1 FRANKLIN BUONO

2 A. I believe so.

3 Q. But you never saw on that label
4 where it said what the pressure of the
5 tank was?

6 A. I don't remember. Again, a lot
7 of the tanks were different. So to say
8 one tank, I don't know.

9 Q. Right. I guess I'm trying to
10 understand, did you have an understanding
11 that there was a capacity that --

12 A. Yes.

13 Q. -- the different tanks had?

14 A. Yes.

15 Q. Did you know how to determine
16 what that capacity was other than looking
17 at just the gauge when it was full?

18 A. On the label of the tank.

19 Q. On the label of the tank --

20 A. Yes.

21 Q. -- it would say?

22 What would it say?

23 A. The capacity.

24 Q. It would say a capacity and
25 then a number?

1 FRANKLIN BUONO

2 A. Yeah.

3 Q. And then did it have it for a
4 measurement?

5 A. I don't know.

6 Q. You don't remember?

7 A. No.

8 Q. Would you when you were filling
9 the fire extinguishers, would you look at
10 that number prior to starting to
11 pressurize it?

12 A. No.

13 Q. How did you come to determine
14 that this service pressure was listed on
15 the label, did someone tell you you
16 should look on there to see what the
17 service pressure is?

18 A. I don't know. I really don't
19 remember. Again, I was only there for
20 about a month.

21 Q. Okay. That's fine if you don't
22 remember.

23 A. I really don't.

24 Q. Sometimes if you keep asking
25 questions it starts jogging people's

1 FRANKLIN BUONO

2 memory, they remember a conversation they
3 had with someone, they remember -- so
4 that's the only reason why we kind of go
5 back over some of the same issues. It's
6 not to, like, get you to make something
7 or --

8 A. Okay.

9 Q. And you said that on the day of
10 the incident you looked at this
11 particular cylinder?

12 A. Correct.

13 Q. Was there a label on it?

14 A. I don't believe so, no.

15 Q. You did say that you saw, I
16 think, a date on the cylinder?

17 A. Possibly, yeah. Today, I
18 might've saw that after the fact. I
19 might've seen from the pictures
20 afterwards.

21 Q. Okay.

22 A. I don't remember.

23 Q. As you sit here today, do you
24 remember actually inspecting the tank for
25 any markings?

1 FRANKLIN BUONO

2 A. I remember looking at the tank.

3 I don't remember if I saw the date on it

4 or not.

5 Q. Do you -- as you sit here
6 today, on the date of the incident, do
7 you remember seeing some markings even if
8 you don't remember what they were?

9 A. Yes.

10 Q. I'm going -- if you would look
11 at Defendant's Exhibit 6, if you have it,
12 in the top two pictures OSHA has
13 identified what the different markings
14 mean.

15 A. Okay.

16 Q. As you sit here today, do you
17 have an understanding what those markings
18 mean?

19 A. No.

20 Q. And I assume at the time of the
21 incident you didn't have an understanding
22 what those markings meant?

23 A. No.

24 Q. Did you ever point out those
25 markings to -- oh, let me rephrase that.

1 FRANKLIN BUONO

2 Did you ever see markings
3 similar to this on any of the fire
4 extinguishers that you were servicing?

5 A. I don't believe so. Not
6 markings like this. I don't think.

7 Q. And when I say markings like
8 this, I don't mean these exact, I mean
9 something stamped into the actual
10 cylinder as opposed to being on a label?

11 A. I couldn't tell you. I don't
12 remember. I'm sorry.

13 Q. That's okay. You don't have to
14 be sorry.

15 Did you ever -- as you sit here
16 today, do you have a recollection of ever
17 asking anyone at Oprandy's what the
18 markings on the cylinders meant?

19 A. No.

20 Q. And as you sit here today, you
21 don't remember anyone from Oprandy's
22 pointing out markings on a cylinder to
23 you?

24 A. No.

25 Q. And because they didn't point

1 FRANKLIN BUONO

2 them out to you, no one ever explained
3 what the markings on the cylinder were?

4 A. I believe so. Can you -- one
5 more time.

6 Q. Yeah, I made the double
7 negative there, so my fault.

8 No one at Oprandy's ever
9 pointed out these marking to you and
10 therefore no one ever explained to you
11 what the markings indicated, correct?

12 A. Correct.

13 Q. So I want to talk a little bit
14 about -- so you and -- Ms. Stigall just
15 went into your -- kind of your background
16 with your PTSD and your depression prior
17 to the incident and because of that --

18 A. The PTSD was after.

19 Q. Right. I'm sorry. The
20 depression from before the incident and
21 then the PTSD which has occurred since?

22 A. Yeah.

23 Q. But while you were in the
24 hospital you actually met with a
25 psychiatrist, correct?

1 FRANKLIN BUONO

2 A. I don't remember.

3 Q. You don't remember.

4 Do you remember a

5 Dr. Daniels-Brady?

6 A. No.

7 Q. No?

8 A. I -- the very first couple days

9 I was very heavily drugged up.

10 Q. Well, I'm going to read you
11 some of the notes that Dr. Daniels-Brady
12 took from a conversation she says she had
13 with you on February 16th which would
14 have been four days after the incident.

15 A. Okay.

16 MR. LEVY: Just note my
17 objection. Go ahead.

18 Q. So she says that you told her
19 you were scared in the ambulance?

20 A. Uh-huh.

21 Q. Do you think that's an accurate
22 statement?

23 A. Yeah, they went the wrong way.

24 Q. Oh, that would be scary, yes.

25 Considering what you were dealing with,

1 FRANKLIN BUONO

2 so, yes.

3 A. Yeah.

4 Q. All right. And you had an
5 understanding that you were losing a
6 large amount of blood?

7 A. Yep.

8 Q. And she said that you told her
9 you weren't yet having nightmares or
10 flashbacks; would that be correct?

11 A. Yep.

12 Q. And she says that you told her
13 that computer programming is your
14 passion?

15 A. I don't computer program.

16 Q. What do you do? She said you
17 were interested in computers.

18 A. I work on computers. I don't
19 program. It's a totally different --

20 Q. You build them?

21 A. Yes. I've built a few
22 computers.

23 Q. She says that you told her you
24 enjoy a strong support from your
25 girlfriend?

1 FRANKLIN BUONO

2 A. Yeah.

3 Q. Fourteen months, and that was
4 accurate?

5 A. Yep.

6 Q. She -- you told her about your
7 suicide incident?

8 A. Yep.

9 Q. And you told her that you smoke
10 pot daily?

11 A. I don't remember.

12 Q. Well, would it have been
13 accurate that at the time of the incident
14 that you were smoking pot daily?

15 A. No. I don't remember having
16 that conversation.

17 Q. Do you remember -- wait one
18 second, I just want to pull it up here.

19 Do you remember a nurse,
20 Cynthia Roupe?

21 A. No. I had 15, 20 nurses.

22 Q. That's fine. I'm just asking.
23 I totally understand that you don't
24 remember.

25 So would she also be mistaken

1 FRANKLIN BUONO

2 if she said that you stated you smoked
3 marijuana heavily, fairly heavily?

4 MR. LEVY: Objection.

5 A. At the time I was not smoking
6 pot heavily. Like I said --

7 Q. Would she also be mistaken if
8 you -- if she said that you requested
9 Marinol given that you weren't smoking
10 pot daily?

11 A. I don't think I ever said I
12 smoked pot daily. But I did request
13 Marinol.

14 Q. And what did you request the
15 Marinol for?

16 A. Pain. Because I was in
17 excruciating pain the entire time and
18 everything made -- didn't help.

19 Q. And what is your understanding
20 when you requested Marinol that it does?

21 A. Pain, my stomach.

22 Q. When you were in the hospital
23 were you also given a nicotine patch?

24 A. Yes.

25 Q. What was for?

1 FRANKLIN BUONO

2 A. Nicotine.

3 Q. Do you smoke?

4 A. No. I was on a vaporizer.

5 Q. What's a vaporizer?

6 A. Device you use to get nicotine.

7 Q. How does it work?

8 A. You pull on it and it's a
9 vapor.

10 Q. How often were you vaporizing?

11 A. Every day.

12 Q. Once a day?

13 A. No. Like you'd smoke a
14 cigarette I guess. So you take a break,
15 you'd hit the vape.

16 Q. Did you ever vaporize with
17 marijuana?

18 A. No.

19 Q. Did you ever smoke marijuana
20 with Chris?

21 A. No.

22 Q. Did you ever smoke marijuana at
23 Oprandy's?

24 A. No.

25 Q. On that morning you said that

1 FRANKLIN BUONO

2 you were moving some tanks into Brian's
3 truck, correct?

4 A. Correct.

5 Q. And then Brian asked you to
6 fill a compressed gas tank?

7 A. Correct.

8 Q. Were you guys outside by his
9 truck when he asked you that?

10 A. No. We were inside.

11 Q. So you had gone back in to get
12 more tanks to take to the truck?

13 A. No. I believe we were finished
14 bringing tanks in at that time.

15 Q. Did he call it a compressed gas
16 tank?

17 A. I don't remember.

18 Q. You don't remember. That was
19 just your words?

20 A. Correct.

21 Q. Did you tell Brian that you had
22 never done that before?

23 A. I don't think so, no.

24 Q. Were you worried at all that
25 you had never done that before?

1 FRANKLIN BUONO

2 A. No.

3 Q. Then why did you go get Chris?

4 A. Because I didn't know how to do
5 it.

6 Q. Where was Chris when you got
7 him?

8 A. On the other side of the room
9 or outside. I'm not sure.

10 Q. So that's a guess, you're not
11 sure?

12 A. Yeah, I'm not sure.

13 Q. And you said that you were both
14 looking at the red gauge on the tank,
15 correct, when you were filling it?

16 A. Yes.

17 Q. And what was your understanding
18 what you were looking?

19 A. For the gauge to move at all.

20 Q. What was your understanding of
21 how you would know when it was full?

22 A. The gauge would be in the green
23 area.

24 MS. MOLINEAUX: Do you have a
25 picture of the gauge?

1 FRANKLIN BUONO

2 MS. STIGALL: It's the same.

3 It's always shown from the side like
4 that. I have not seen any -- that is
5 from it. But I'm not seeing a picture
6 where it's shown straight on is what I
7 think you're looking for.

8 Q. But you didn't know what you
9 were pressurizing -- what number you were
10 pressurizing the cylinder to?

11 MR. LEVY: Note my objection.
12 This witness was not pressurizing the
13 tank. And he's never testified that he
14 was pressurizing the tank.

15 MS. MOLINEAUX: He testified
16 that he was staring at the gauge waiting
17 for it go up.

18 MR. LEVY: Chris was taking the
19 action. He was watching. There's a
20 difference.

21 MS. MOLINEAUX: Okay.

22 MR. LEVY: I'm just making my
23 objection clear.

24 A. Repeat the question.

25 Q. When you were staring at the

1 FRANKLIN BUONO

2 gauge did you have an understanding of
3 what number you were looking for the
4 gauge to move to?

5 A. No.

6 Q. Did you see that the gauge had
7 numbers on it?

8 A. Yes.

9 Q. Did you ever ask anyone what
10 those numbers indicated?

11 A. No.

12 Q. But you did see the number
13 listed on the side of the fire
14 extinguishers on the label?

15 A. Yes.

16 Q. Did you have an understanding
17 that those numbers correlated to the
18 numbers on the gauge?

19 A. Yes.

20 Q. So you did have an
21 understanding?

22 A. No. Sorry. Backing up.

23 Q. No?

24 A. No. I don't think the gauges
25 were -- have a pressure gauge, it's just

1 FRANKLIN BUONO

2 full or empty on fire extinguishers.

3 There's no pressure I don't think. I

4 don't --

5 Q. So your recollection is a fire
6 extinguisher on the gauge moved from red
7 to green but had no numbers on them?

8 A. They weren't pressure numbers I
9 believe. It wasn't like how much
10 pressure was in there.

11 Q. What were the numbers, do you
12 remember?

13 A. No.

14 Q. Do you recall whether there
15 were numbers on the cylinder that day,
16 the day of the incident?

17 A. No.

18 Q. No, there were no numbers or
19 no, you don't remember?

20 A. I don't remember.

21 Q. So you said you're interested
22 in building computers?

23 A. Yes.

24 Q. Not programing?

25 A. I'm interested in programing.

1 FRANKLIN BUONO

2 I would like to learn how to program.

3 Q. Do you do any of that as, like,
4 a hobby today, building or programming?

5 A. No. I built computer -- two
6 computers. But that's just, you know,
7 that's built.

8 Q. How did you learn how to build
9 computers?

10 A. Myself.

11 Q. Where did you go to learn?

12 A. I would just take computer --
13 old computers apart that I had and put
14 them back together, YouTube.

15 Q. When did you start doing that?

16 A. When I was 19 or 20.

17 Q. What is your understanding of
18 what type of training or schooling you'll
19 need to get into a job building computers
20 or programming computers? I mean, do you
21 have a plan for what kind of training or
22 schooling you're going to pursue?

23 A. I'm not sure yet.

24 Q. Would it be vocational training
25 or more college courses, do you --

1 FRANKLIN BUONO

2 A. I haven't figured it out yet.

3 Q. Is that because you haven't
4 really looked into it?

5 A. I've kind of looked into it.

6 I'm just waiting for -- just real life to
7 settle down.

8 Q. Okay.

9 Now, I think you testified that
10 you had never used the Poseidon system
11 prior to this day?

12 A. Correct.

13 Q. Had you ever seen Chris using
14 the Poseidon system?

15 A. Yes. I saw him use it once,
16 like, passing by.

17 Q. And did you ask him why you
18 guys were using the Poseidon system that
19 day?

20 A. No.

21 Q. Were you --

22 A. I was not using it, he was.

23 Q. Right. I guess why he was
24 using the Poseidon system as opposed to
25 the other filling system?

1 FRANKLIN BUONO

2 A. That was -- no.

3 Q. You didn't ask him that?

4 A. No.

5 Q. When you first started the job,
6 the first day, the second day, did anyone
7 take you around the shop and show you the
8 different areas?

9 A. Probably. I don't remember.

10 Q. You don't remember that?

11 A. No.

12 Q. And you understood when you
13 were filling cylinders that there was a
14 danger in over pressurization, correct?

15 MR. LEVY: Objection.

16 A. Fire extinguishers?

17 Q. Any cylinder. When you're
18 using compressed air you understood that
19 there was a danger in over
20 pressurization?

21 A. No.

22 Q. Earlier when Ms. Stigall asked
23 that question you said yes, you
24 understood that there was a danger in
25 over pressurization?

1 FRANKLIN BUONO

2 A. Yes. But not to, like, the
3 difference between a fire extinguisher
4 and the actual compressed air. I just
5 want that to be clear, but, yes.

6 Q. I'm sorry. I didn't
7 understand.

8 A. The difference between an
9 actual fire extinguisher that I worked on
10 and the air compression is different,
11 but, yes.

12 Q. What's the difference?

13 A. One isn't filled, like, barely
14 with any compressed air and one is only
15 compressed air. And I've learned all
16 this afterwards through OSHA reports.

17 Q. So when you say one is filled
18 with barely any compressed air, which one
19 is filled with barely any compressed air?

20 A. The fire extinguisher.

21 MR. LEVY: That's why I was
22 objecting earlier to two processes that
23 were going on.

24 A. Because there's two different
25 -- I never worked on the bigger tanks. I

1 FRANKLIN BUONO

2 only worked on fire extinguishers and dry
3 chemicals.

4 Q. I understand that.

5 A. Okay.

6 Q. I understand that. I know that
7 there's different tanks.

8 Do you understand the
9 difference between a fire suppression
10 system and a fire extinguisher?

11 A. Yes.

12 Q. I am just -- I want to know if
13 you were working with compressed gas at
14 this place you had an understanding that
15 there was danger in over pressurizing?

16 A. Yes.

17 Q. Whether it be a cylinder filled
18 with compress air or whether it be a fire
19 extinguisher?

20 A. No.

21 Q. No. You didn't have an
22 understanding that you could over
23 pressurize a fire extinguisher?

24 A. No. I knew I could over
25 pressurize a fire extinguisher, yes.

1 FRANKLIN BUONO

2 Q. What would happen if you over
3 pressurized?

4 A. The -- it would shoot chemicals
5 all over the place.

6 Q. And that was the only danger?

7 A. That I knew of, yes.

8 Q. If you didn't have an
9 understanding that there was a danger in
10 over pressurization, what were you
11 looking for the cylinder to warn you of
12 when you were reading the label?

13 A. I knew that I could over
14 pressurize the fire extinguishers.

15 Q. Right. And the danger of that
16 was just that it would shoot chemicals?

17 A. Yeah.

18 Q. So what were you looking for
19 the warning labels to say if there was no
20 other danger?

21 MR. LEVY: Now you're talking
22 about on the day of the incident?

23 MS. MOLINEAUX: No. He just
24 said that when he was filling fire
25 extinguishers he would read the label on

1 FRANKLIN BUONO

2 the side.

3 A. Sometimes I looked -- yes, I
4 looked at the labels, yes, yeah.

5 Q. And did you ever read any
6 warnings on those labels?

7 A. I don't remember. If I did I
8 don't remember what they said.

9 Q. But if the only danger of over
10 pressurizing was shooting of chemicals,
11 why you did you feel it was necessary to
12 look for a warning label?

13 MR. LEVY: On which --

14 A. I just look for labels in
15 general. It wasn't a warning label to be
16 exact. There's just a huge label on the
17 fire extinguisher that talks about
18 whatever.

19 Q. What does it talk about?

20 A. I don't know. Not to mention
21 all the fire extinguishers are different
22 so I couldn't tell you from one to the
23 other what the exact one said. I
24 couldn't even remember a half a line.

25 Q. I'm not asking for the cylinder

1 FRANKLIN BUONO

2 on the day of.

3 A. I know, you're talking fire
4 extinguishers in general.

5 Q. Yes.

6 A. Yeah.

7 Q. What do you remember they
8 warned you about?

9 A. I don't remember anything on
10 the labels.

11 MS. MOLINEAUX: I'll look
12 through my notes. If you have some -- do
13 you have some questions?

14 BY MS. STIGALL:

15 Q. I am looking at -- I was
16 looking over your medical records and a
17 note that in June 13, 2016, you had a
18 urine drug screen that showed a cocaine
19 metabolite which indicates the use of --
20 basically indicates the use of cocaine.

21 A. Yes. And I talked to that
22 doctor and he said that my weed was
23 probably laced.

24 MR. LEVY: His weed was --

25 THE WITNESS: Probably laced.

1 FRANKLIN BUONO

2 MR. LEVY: Probably laced.

3 Q. And you understand that you
4 also tested positive for morphine but
5 were not being prescribed morphine at
6 that time, did you understand?

7 A. No. The doctor said that
8 that's normal for that to show up.

9 Q. It's normal?

10 A. Not morphine. It wasn't
11 morphine. It was -- whatever painkiller
12 I was being prescribed.

13 Q. So you tested positive for
14 codeine and morphine but you're telling
15 me that that was normal?

16 A. No. Codeine?

17 Q. I'm just reading from the
18 report.

19 Did you ever get any kind of
20 explanation about why you tested positive
21 for morphine?

22 A. No.

23 MR. LEVY: This is in 2013
24 you're saying?

25 MS. STIGALL: No. This is in

1 FRANKLIN BUONO

2 2016, June of 2016.

3 A. No.

4 Q. But you did get an explanation
5 about testing positive for cocaine?

6 A. Correct.

7 Q. And that was that somebody had
8 slipped --

9 A. It's possible that they laced
10 my weed, yeah. Because I wasn't taking
11 any cocaine.

12 Q. In June of 2016 how often were
13 you smoking pot?

14 A. I don't remember. I don't
15 remember. Probably a good amount. I
16 don't know.

17 Q. Let me just look through a few
18 of my notes. I had something else in my
19 head a minute ago. We're almost finished
20 here.

21 How much -- you said the fire
22 extinguishers didn't hold as much
23 compressed air?

24 A. Correct.

25 Q. What was the PSI range of the

1 FRANKLIN BUONO

2 fire extinguishers?

3 A. I cannot tell you. I do not
4 remember.

5 Q. But you know that it -- how do
6 you know that it was less than what was
7 in this cylinder?

8 A. Because --

9 MR. LEVY: Note my objection to
10 the form.

11 Q. Well, I'm just trying to --
12 you're saying that it had less compressed
13 air but somehow you're saying that this
14 cylinder had a higher level?

15 A. It's just by looking at it.
16 The cylinder that we used was a cylinder
17 three times as big as any fire
18 extinguishers we had on top of -- I
19 wasn't filling the tank -- on top of the
20 -- yeah.

21 Q. So since it was --

22 A. Fire extinguishers are
23 half-filled with chemicals, more than
24 half.

25 Q. So it's your understanding if

1 FRANKLIN BUONO

2 they're half-filled with chemicals then
3 the pressure is lower?

4 A. Correct.

5 Q. And you were thinking that
6 because this was a bigger tank it had a
7 higher pressure to it?

8 A. Correct.

9 Q. Sitting here today could you
10 tell me what that pressure was?

11 A. No idea.

12 Q. On the day when this incident
13 occurred, when you were there and in the
14 room with the cylinder, did you know what
15 level of pressure that cylinder could
16 hold?

17 A. That one, no.

18 Q. Did you, on the day of the
19 incident, know what pressure the Poseidon
20 air system could deliver, how much
21 pressure it could push out?

22 A. No.

23 Q. Did you know what the flow rate
24 was of the air going into the cylinder
25 that day?

1 FRANKLIN BUONO

2 A. No.

3 Q. Did you ask anybody?

4 A. I found out from the OSHA
5 report I believe.

6 Q. What the pressure was?

7 A. Yeah.

8 Q. Do you understand from the OSHA
9 report that OSHA determined there was
10 nothing wrong with the tank?

11 MR. LEVY: I'm going to object.

12 Q. Did you see that in the OSHA
13 report?

14 A. No.

15 Q. Do you understand that OSHA
16 concluded that the tank was over
17 pressurized to the extent that it
18 ruptured?

19 A. Yes.

20 Q. Thank you.

21 MS. MOLINEAUX: Just give me a
22 second. Why don't we take five minutes.

23 THE VIDEOGRAPHER: The time is
24 1:59 and we are going off the record.

25 [Discussion held off the

1 FRANKLIN BUONO

2 record.]

3 THE VIDEOGRAPHER: The time is
4 2:01 and we are back on the record.

5 BY MS. STIGALL:

6 Q. You're the plaintiff in the
7 present action, correct, the person
8 bringing the action?

9 A. Correct.

10 Q. And I note to you that in
11 Paragraph 49 of the complaint it states
12 that on or about the 12th day of February
13 2016 while the plaintiff was operating
14 the Poseidon air cascade system,
15 attempting to fill a fire extinguisher
16 cylinder tank, the tank exploded, thereby
17 causing the plaintiff to sustain severe
18 and serious injuries.

19 That paragraph said you were
20 operating the air cascade system and
21 attempting to fill the tank, is it your
22 testimony today that you weren't doing
23 that?

24 A. No. I was not doing that. I
25 was not filling the tank at all. Never

1 FRANKLIN BUONO

2 put hands on the tank.

3 Q. Well, I thought -- so you
4 didn't carry the tank in you don't think?

5 A. Yes, I carry -- we moved the
6 tank, roll the tank into -- we don't
7 carry it. You roll it in there and then
8 that's the most I had of it.

9 Q. So it's your testimony here
10 today that you were not operating the air
11 cascade system?

12 A. Correct.

13 Q. And it's your testimony here
14 today that you were not attempting to
15 fill a fire extinguisher cylinder tank?

16 A. Correct.

17 MS. STIGALL: Thank you. I
18 don't have anything else.

19 BY MS. MOLINEAUX:

20 Q. Is it your claim that because
21 the tank ruptured it was defective?

22 A. I don't know.

23 Q. Well, you're bringing the
24 action.

25 A. Yes.

1 FRANKLIN BUONO

2 Q. So I'm trying to get your
3 understanding of why you brought an
4 action against my client.

5 MR. LEVY: Well, note my
6 objection. It's a illegal basis for the
7 lawsuit. It's something for his attorney
8 not for him.

9 A. Repeat your question.

10 MR. LEVY: You can answer the
11 question if you know.

12 Q. Is it your position that
13 because the tank ruptured it must have
14 been defective?

15 A. I don't know.

16 Q. Well, it's a yes-or-no
17 question.

18 MR. LEVY: Well, he's answered
19 it.

20 Q. Do you understand that you're
21 the person in this case making
22 allegations, correct?

23 A. Correct.

24 Q. You have submitted to the court
25 what's called a complaint?

1 FRANKLIN BUONO

2 A. Correct.

3 Q. And in that complaint you have
4 made certain claims; is that correct?

5 A. Correct.

6 Q. One of those claims is that my
7 client's tank was defective, do you
8 understand that?

9 A. Yes.

10 Q. And is it your position that
11 the fact that it ruptured shows that it's
12 defective?

13 MR. LEVY: Asked and answered.

14 A. I don't know.

15 MS. MOLINEAUX: Sandy?

16 MS. STIGALL: No.

17 MS. MOLINEAUX: Okay.

18 MR. LEVY: Thank you. I have
19 no questions.

20 THE VIDEOGRAPHER: We are off
21 the record at 2:05 p.m. and this
22 concludes today's testimony given by
23 Franklin Buono.

24 The total number of Media Units
25 used is two and it will be retained by

1 FRANKLIN BUONO

2 Veritext Midwest.

3 (Time noted: 2:05 p.m.)

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1

2 CERTIFICATION

3

4 I, Karen Morales, a Notary Public for
5 and within the State of New York, do
6 hereby certify:

7 That the witness whose testimony as
8 herein set forth, was duly sworn by me;
9 and that the within transcript is a true
10 record of the testimony given by said
11 witness.

12 I further certify that I am not
13 related to any of the parties to this
14 action by blood or marriage, and that I
15 am in no way interested in the outcome of
16 this matter.

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 1st day of May, 2018.

19

20 <%Signature%>
21 KAREN MORALES

22

23 * * *

24

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